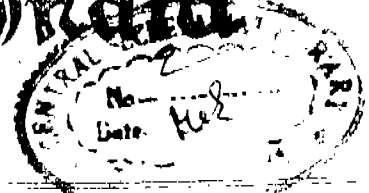




भारत का राजपत्र The Gazette of India

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सं० 44]

नई दिल्ली, शनिवार, सितम्बर 2, 1996/कार्तिक 11, 1918

No. 44]

NEW DELHI, SATURDAY, NOVEMBER 2, 1996/KARTIKA 11, 1918

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में
रखा जा सके

Separate Paging is given to this Part in order that it may be filed as a
separate compilation

भाग II—खण्ड 3—उप-खण्ड (II) PART II—Section 3—Sub-Section (ii)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय को छोड़कर) द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएं
Statutory Orders and Notifications Issued by the Ministries of the Government of India
(other than the Ministry of Defence)

गृह मंत्रालय
(पुनर्वास प्रभाग)

नई दिल्ली, 26 सितम्बर, 1996

का. आ. 3018.—निष्कांत संपत्ति प्रबंध अधिनियम, 1950
(1950 की 31) की धारा 5 द्वारा प्रदत्त शक्तियों का
प्रयोग करते हुए, केन्द्रीय सरकार एन.ए.आर. यथास्थिति, उक्त
अधिनियम के द्वारा या तब से उप महाभिरक्षक द्वारा
निष्पादित कर्तव्यों के निर्वहन के उद्देश्य के लिए उत्तर प्रदेश
सरकार राजस्व विभाग के प्रधान सचिव या सचिव जैसा
भी मामला हो उप महाभिरक्षक के रूप में नियुक्त
करती है।

2. इसके द्वारा, इससे पूर्व दिनांक 31-10-77 की
पुनर्वास एवं आप्रति संवालय की अधिसूचना सं. 1(4)
विशेष एकक/77-ग.प.एम.-II और दिनांक 16-11-86 की गृह
मंत्रालय (आंतरिक सुरक्षा विभाग), पुनर्वास विभाग की अधि-

सूचना सं. 1(10)/विशेष एकक/85-एस.एस. II(क) का
अधिकरण किया जाता है।

[सं. 1(10)/विशेष एकक/85-एस.एस. II/बंदोबस्त (क)]

आर.एस. आहुजा, अवसर सचिव

MINISTRY OF HOME AFFAIRS
(Rehabilitation Division)

New Delhi, the 26th September, 1996

S.O. 3018.—In exercise of the powers conferred by Section
5 of the Administration of Evacuee Property Act, 1950 (31
of 1950), the Central Government hereby appoints Principal
Secretary or Secretary as the case may be, to the Government
of Uttar Pradesh, Department of Revenue as Deputy Custo-
dian General for the purpose of discharging the duties im-
posed on such Dy. Custodian General by or under the said
Act.

2. This is in supersession of erstwhile Ministry of Supply
and Rehabilitation Notification No. 1(4)/Spl.Cell/77-SS II d t d
the 31-10-77 and Ministry of Home Affairs (Department of
Internal Security), Rehabilitation Division's No. 1(10)/Spl.Cel/
85 SS.II (A), dated 16-1-1986.

[No. 1(10)/Spl.Cell/85-SS.II/Settlement (A)]

R. S. AHUJA, Under Secy.

नई दिल्ली, 27 सितम्बर, 1996

का.आ. 3019.—निष्कांत संपत्ति का प्रशासन अधिनियम, 1950 (1950 का 31) के खंड 55 की उपधारा 3 द्वारा भूमे महाभिरक्षक के रूप में प्राप्त शक्तियों का प्रयोग करते हुए, श्री. आर.एस. सेठी महाभिरक्षक, एनडू द्वारा उत्तर प्रदेश सरकार, राजस्व विभाग में प्रधान सचिव अथवा सचिव, जैसा भी माँगा हो, जो इस मंत्रालय की अधिसूचना सं. 1(10)/गि.स. 63/35-ए.ए.आ. II(क) ता. 26-09-86 के तहत उत्तर प्रदेश राज्य के लिए नियुक्त निष्कांत संपत्ति उप महाभिरक्षक को महाभिरक्षक की निम्नलिखित शक्तियाँ सौंपता है:—

1. उक्त अधिनियम, की धारा 24 के अंतर्गत अपील सुनने की शक्तियाँ;
2. उक्त अधिनियम की धारा 27 के अंतर्गत संशोधन की शक्तियाँ;
3. अधिनियम की धारा 10(2)(O) के अंतर्गत किसी निष्कांत संपत्ति के हस्तांतरण के अनुमोदन की शक्तियाँ;
4. निष्कांत संपत्ति संबंध अधिनियम (केन्द्रीय) नियम, 1950 के नियम 30-क के अंतर्गत मामलों के हस्तांतरण की शक्तियाँ।

2. इससे भूतपूर्व आपूर्ति एवं पुनर्वास मंत्रालय अधिसूचना सं. 1(4)/विशेष कक्ष/77-ए.ए.आ. -II ता. 29-12-1977 तथा गृह मंत्रालय आंतरिक सुरक्षा विभाग, पुनर्वास प्रभाग की सं. 1(10)/विशेष कक्ष/85-एस.एस.-II (ख) ता. 17-01-1986 का अधिक्रमण हो जाता है।

[सं 1(10)/विशेष कक्ष/85-एस.एस.-II/एस(ख)]
आर. एस. सेठी, महाभिरक्षक

New Delhi, the 27th September, 1996

S.O. 3019.—In exercise of the powers conferred on me as Custodian General by sub-section 3 of Section 55 of the Administration of Evacuee Property Act, 1950 (31 of 1950), I, R. S. Sethi, Custodian General hereby delegate Principal Secretary or Secretary as the case may be, to the Government of Uttar Pradesh, Department of Revenue, appointed as Deputy Custodian General of Evacuee Property for the State of Uttar Pradesh vide his Ministry's Notification No. 1(10)/Spl.Cell/85-SS.II(A) dated 26th September, 1996 the following powers of the Custodian General:—

- (i) Powers under Section 24 of the said Act to hear appeals; and
- (ii) Powers of revision under Section 27 of the said Act;
- (iii) Power of approval of transfer of any Evacuee Property under Section 10(2)(c) of the Act;
- (iv) Power of transfer of cases under Rule 30-A of Administration of Evacuee Property Act (Central) Rules, 1950.

2. This supersedes erstwhile Ministry of Supply and Rehabilitation Notification No. 1(4)/Spl.Cell/77-SS.II, dated the 29-12-1977 and Ministry of Home Affairs, Department of Internal Security, Rehabilitation Division's No. 1(10)/Spl.Cell/85-SS.II(B), dated 17-1-1986.

[No. 1(10)/Spl.Cell/85-SS.II/S(B)]
R. S. SETHI, Custodian Genl.

नई दिल्ली, 27 सितम्बर, 1996

का.आ. 3020.—केन्द्रीय सरकार को निष्कांत संपत्ति का प्रशासन अधिनियम 1950 के खंड 55 (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा निदेश देती है कि उक्त अधिनियम के खंड 38 के अंतर्गत इसके द्वारा प्रयोजनीय कोई शक्ति जैसा भी मामला हो उत्तर प्रदेश सरकार के राजस्व विभाग के प्रधान सचिव या सचिव द्वारा उक्त राज्य में अनधिकृत आसीन निष्कांत कृषि भूमि गृहरी भूमि, आसीन एवं शहरी निष्कांत संपत्तियों, दुकानों, स्थलों, खाली भूखंडों के संबंध में अधिनियम के अंतर्गत दंडनीय अपराधों के संबंध में भी प्रयोजनीय रहेगी।

2. इससे अधिसूचना सं. 1(10)/विशेष कक्ष/85-एस.एस.-II/एस(सं) ता. 15-01-86 का अधिक्रमण हो जाता है।

[सं. 1(10)/विशेष कक्ष/85/एस.एस.-II/एस(सं)]
आर. एस. आहुजा, अव्वर सचिव

New Delhi, the 27th September, 1996

S.O. 3020.—In exercise of the powers conferred on the Central Government under Section 55(1) of the Administration of Evacuee Property Act, 1950, the Central Government hereby direct that any power exercisable by it under Section 38 of the said Act shall be exercisable also by the Principal Secretary or Secretary as the case may be to the Government of Uttar Pradesh, Department of Revenue, in respect of the offences punishable under the Act relating to the unrequited rural evacuee agricultural lands, urban lands, rural and urban evacuee properties, shops, sites, vacant plots within that State.

2. This supersedes notification No. 1(10)/Spl. Cell/85-SS.II, S(C), dated 16-1-86.

[No. 1(10)/Spl.Cell/85-SS.II/S(C)]
R. S. AHUJA, Under Secy.

नई दिल्ली, 27 सितम्बर, 1996

का.आ. 3021.—विरथापित व्यक्ति प्रतिस्तर और पुनर्वास अधिनियम, 1954 (1954 की 44) की धारा 34 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद् द्वारा निदेश देती है कि उक्त अधिनियम की धारा 33 के अंतर्गत इसके द्वारा प्रयोग की जाने वाली कोई भी शक्तियाँ उसके अपने कर्तव्यों के अनुरिक्त कथास्थिति उत्तर प्रदेश राज्य सरकार के राजस्व विभाग में प्रधान सचिव या सचिव द्वारा जैसा भी मामला हो, भी, उत्तर प्रदेश राज्य के क्षति पूर्ति फल में आने वाले भाग में भूमि और संपत्तियों के बारे में, प्रयोग की जाएगी।

2. इस अधिसूचना के द्वारा दिनांक 07-08-1992 की अधिसूचना सं. 1(8)/विशेष एकक/88-एस.एस. II का अधिक्रमण किया जाता है।

[सं. 1(10)/विशेष एकक/85 एस.एस.-II/एस(डी)]
आर.एस. आहुजा, अव्वर सचिव

New Delhi, the 27th September, 1996

S.O. 3021.—In exercise of the powers conferred by sub-section (i) of Section 23 of the Displaced Persons (Compensation and Rehabilitation) Act, 1951 (44 of 1954), the Central Government hereby notifies that any powers exercisable by the said Act shall be exercisable also by the Principal Secretary or Secretary as the case may be in the Revenue Department of the State Government of Uttar Pradesh, in accordance with his own duties, in respect of the lands and properties forming part of the Compensation Pool within the State of Uttar Pradesh.

2. This notification supersedes Notification No. 1(8)/Spl. Cell/88-SS.II, dated 7-8-1992.

[No. 1(10)/Spl. Cell/85-SS.II/S(D)]

R. S. AHUJA, Under Secy.

कार्मिक, लोक शिकायत तथा पेंशन मंत्रालय

(कार्मिक और प्रशिक्षण विभाग)

नई दिल्ली, 14 अक्टूबर, 1996

क्र. आ. 3022 :—दिल्ली विशेष पुलिस स्थापना अधिनियम, 1946 (1946 का 25) की धारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्र सरकार एतद्द्वारा, दिल्ली विशेष पुलिस स्थापना के द्वारा जांच के लिए निम्नलिखित अपराध विनिर्दिष्ट करती है, अर्थात् :—

(क) स्थापक आरक्षक तथा मनः प्रभावी पदार्थ अधिनियम, 1985 (1985 का 61) की धारा 25क अधीन दण्डनीय अपराध।

[सं. 228/51/96-ग. बी. डी.-II]

एम. सी. निवारी, उप सचिव

MINISTRY OF PERSONNEL, P.G. & PENSIONS

(Department of Personnel and Training)

New Delhi, the 14th October, 1996

S.O. 3022.—In exercise of the powers conferred by section 3 of the Delhi Spl. Police Establishment Act, 1946 (25 of 1946), the Central Government hereby specifies the following offence as the offence which are to be investigated by the Delhi Special Police Establishment, namely :—

Offence punishable under Section 25A of Narcotic Drugs and Psychotropic Substances Act, 1985 (61 of 1985).

[No. 228/51/96-AVD.II]

S. C. TEWARY, Dy. Secy.

वित्त मंत्रालय

राजपत्र विभाग

नई दिल्ली, 4 अक्टूबर, 1996

(आयकर)

क्र. आ. 3023 :—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्द्वारा "आल इंडिया टेनिस एसोसिएशन, नई दिल्ली" को 1996-97 से 1998-99 तक के कर-निर्धारण वर्षों के लिए निम्नलिखित शर्तों पर उक्त खंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

(1) कर-निर्धारिणी उसकी आय का इस्तेमाल अथवा उसकी आय का इस्तेमाल करने के लिए

उसका संचयन इस प्रकार के संचयन हेतु उक्त खंड (23) द्वारा यथा संशोधित धारा 11 की उपधारा (2) तथा (3) के उपबंधों के अनुरूप पूर्णतया तथा अन्यतया उन उद्देश्यों के लिए करेगा, जिसके लिए इसकी स्थापना की गई है;

- (2) कर-निर्धारिणी ऊपर उल्लिखित कर-निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों में भिन्न तरीकों से उसकी निधि (जेवर-जवाहिरात, फर्नीचर अथवा किसी अन्य वस्तु, जिसे उक्त खंड (23) के तीसरे परन्तुक के अधीन बॉर्डर द्वारा अधिसूचित किया जाए, के रूप में प्राप्त तथा रख-रखाव में स्वेच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करेगा रखेगा;
- (3) कर-निर्धारिणी अपने सदस्यों को किसी भी तरीके से अपनी आय के किसी भाग का वितरण अपने से संबंध किसी एसोसिएशन अथवा संस्था को अनुदान के अलावा नहीं करेगा; और
- (4) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ हों जब तक कि ऐसा कारोबार उक्त कर-निर्धारिणी के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-मुस्तिकाएं नहीं रखी जाती हों।

[अधिसूचना सं. 10206/फा. सं. 196/21/96-आयकर नि.-1]]

एच. के. चौधरी, अवसर सचिव

MINISTRY OF FINANCE

(Department of Revenue)

New Delhi, the 4th October, 1996

(INCOME TAX)

S.O. 3023.—In exercise of the powers conferred by clause (23) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies the "All India Tennis Association, New Delhi" for the purpose of the said clause for assessment years 1996-97 to 1998-99 subject to the following conditions, namely :—

- (i) the assessee will apply its income, or accumulate it for application, in consonance with the provisions of sub-sections (2) and (3) of Section 11 as modified by the said clause (23) for such accumulation wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture or any other article as may be notified by the Board under the third provision to the aforesaid clause (23) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;

- (iii) the assessee will not distribute any part of its income, in any manner to its members except as grants to any association or institution affiliated to it; and
- (vi) this notification will not apply in relation to any income, being profits and gains of business, unless the business is incident to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business.

[Notification No. 10206/F. No. 196/21/96-ITA-1]

H. K. CHOUDHARY, Under Secy.

आदेश

नई दिल्ली, 8 अक्टूबर, 1996

स्टाम्प

का. आ. 3024 :—भारतीय स्टाम्प अधिनियम, 1899 (1899 का 2) की धारा 9 की उपधारा (1) के खंड (ख) द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा मै. के. जी. खोसला कम्प्रेसर लिमिटेड, नई दिल्ली को मात्र एक लाख इक्कावन हजार चार सौ अठान्न रु. का समेकित स्टाम्प शुल्क अदा करने की अनुमति देती है जो कि उक्त कंपनी द्वारा :—

- (1) 30-9-1993 को आबंटित किए गए मात्र उनतीस लाख चालीस हजार तीन सौ पचास रु. के कुल मूल्य के 1 से 58807 तक की विशिष्ट संख्या वाले पचास-पचास रु. अंकित मूल्य के सममूल्य पर दिए गए सुरक्षित विमोच्य अपरिवर्तनीय ऋणपत्रों;
- (2) 30-9-1993 को आबंटित किए गए मात्र एक करोड़ उनचास लाख छिहत्तर हजार आठ सौ रु. के कुल मूल्य के 58808 से 208575 तक की विशिष्ट संख्या वाले सौ-सौ रु. अंकित मूल्य के सममूल्य पर दिए गए सुरक्षित विमोच्य वैकल्पिक आंशिक रूप में परिवर्तनीय ऋणपत्रों; और
- (3) 17-6-1994 को आबंटित किए गए मात्र बीस लाख इक्कासी हजार और एक सौ रु. के कुल मूल्य के 1 से 20811 तक की विशिष्ट संख्या वाले सौ-सौ रु. अंकित मूल्य के सममूल्य पर दिए गए सुरक्षित विमोच्य अपरिवर्तनीय बिना ब्याज वाले ऋणपत्रों पर स्टाम्प शुल्क के कारण प्रभाव है।

[सं. 43/96-स्टाम्प का. सं.-15/11/96-बि. क.
एस. कुमार, अवर सचिव]

ORDER

New Delhi, the 8th October, 1996

STAMPS

S.O. 3024.—In exercise of the powers conferred by clause (b) of sub-section (1) of Section 9 of the Indian Stamp Act,

1899 (2 of 1899), the Central Government hereby permits M/s. K. G. Khosla Compressor Limited, New Delhi to pay consolidated stamp duty of Rupees One lakh fifty one thousand four hundred fifty eight only, chargeable on account of the stamp duty on—

- (i) Secured Redeemable Non-Convertible Debentures bearing distinctive numbers 1 to 58807 of the face value of Rupees fifty each at par of the aggregate value of Rupees Twenty nine lakhs forty thousand three hundred fifty only allotted on 30-9-1993;
- (ii) Secured Redeemable Optionally Partly Convertible Debentures bearing distinctive numbers 58808 to 208575 of the face value of Rupees One hundred each at par of the aggregate value of Rupees One Crore forty nine lakhs seventy six thousand eight hundred only allotted on 30-9-1993; and
- (iii) Secured Redeemable Non-Convertible Non-Interest Bearing Debentures bearing distinctive numbers 1 to 20811 of the face value of Rupees one hundred each at par of the aggregate value of Rupees twenty lakhs eighty one thousand and one hundred only allotted on 17-6-1994.

by the said Company.

[No. 43/96-Stamp.s-F. No. 15/11/96 SF]

S. KUMAR, Under Secy.

नई दिल्ली, 12 सितम्बर, 1996

(आयकर)

का. आ. 3025 :—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उपखंड (5) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा "गुडवायूर देवायम, गुडवायूर" को कर-निर्धारण वर्ष 1991-92 से 1993-94 तक के लिए निम्नलिखित शर्तों के अधीन रहने हुए उक्त उपखंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

- (1) कर-निर्धारिती इसकी आय का इस्तेमाल अथवा इसकी आय का इस्तेमाल करने के लिए इसका संनयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा, जिनके लिए इसकी स्थापना की गई है;
- (2) कर-निर्धारिती ऊपर उल्लिखित कर-निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से इसकी निधि (जैवर-जवाहिरान, फर्नीचर आदि के रूप में प्राप्त तथा रख-रखाव में स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा;

- (3) यह अधिसूचना किसी ऐसे आय के संबंध में लागू नहीं होगी जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ के रूप में हो जब तक कि ऐसा कारोबार उक्त कर-निर्धारिती के उद्देश्यों

की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा पुस्तिकाएँ नहीं रखी जाती हों।

[अधिसूचना सं. 10189/फा. सं. 197/100/96—आयकर नि.-1]

एच. के. चौधरी, अवर सचिव

New Delhi, the 12th September, 1996

(INCOME TAX)

S.O. 3025.—In exercise of the powers conferred by sub-clause (v) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "Guruvayur Devaswom, Guruvayur" for the purpose of the said sub-clause for the assessment years 1991-92 to 1993-94 subject to the following conditions, namely :—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business.

[Notification No. 10189/F. No. 197/100/96-ITA-I]

H. K. CHOUDHARY, Under Secy.

नई दिल्ली, 12 सितम्बर, 1996

(आय-कर)

का. आ. 3026 :—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) उपखंड (5) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा "गणेशजी मन्दिर, नई दिल्ली" को कर-निर्धारण वर्ष 1994-95 से 1995-96 तक के लिए निम्नलिखित शर्तों के अधीन रहने हुए उक्त उपखंड के प्रयोजनार्थ अधिसूचित करती है; अर्थात् :—

- (i) कर-निर्धारित इसकी आय का इस्तेमाल अथवा इसकी आय का इस्तेमाल करने हेतु इसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा, जिनके लिए इसकी स्थापना की गई है;
- (ii) कर-निर्धारित ऊपर उल्लिखित कर-निर्धारण वर्षों में संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा II की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से इसकी निधि (जेषर-जवाहिरात, फर्नीचर आदि के रूप में प्राप्त तथा रख-रखाव में स्वैच्छिक अंशदान

से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा;

- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी जो कि कारोबार से प्राप्त लाभ तथा अशुल्क के रूप में हो जब तक कि ऐसा कारोबार उक्त कर-निर्धारित के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-पुस्तिकाएँ नहीं रखी जाती हों।

[अधिसूचना सं. 10186 फा. सं. 197/108/96—आ. क. नि.—1]

एच. के. चौधरी, अवर सचिव

New Delhi, the 12th September, 1996

(INCOME TAX)

S.O. 3026.—In exercise of the powers conferred by sub-clause (v) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "Ganeshji Mandir, New Delhi" for the purpose of the said sub-clause for the assessment years 1994-95 to 1995-96 subject to the following conditions, namely :—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business.

[Notification No. 10186/F. No. 197/108/96-ITA-I]
H. K. CHOUDHARY, Under Secy.

आयकर आयुक्त का कार्यालय

आदेश

कोयम्बतूर, 7 अक्टूबर, 1996

विषय :—प्रशासन-आयकर विभाग—कोयम्बतूर प्रभार—आयकर अधिकारी के संवर्ग में पदोन्नति के बारे में —

संदर्भ :—मुख्य आयकर आयुक्त की दिनांक 23-9-1996 की कार्यवाही सं. 3 (3)/प्रशा./96 (आदेश सं. 356/96)

का. आ. 3027 :—मुख्य आयकर आयुक्त के उपरोक्त आदेश के अनुसार श्री आर. कृष्णामूर्ति, आयकर निरीक्षक, भर्कल—1, सेलम को आयकर अधिकारी की पदोन्नति की स्वीकृति दी जाती है। उनका वेतनमान रुपये 2000-60-2300—वक्षता रोध—75—3200-100

3500 होगा। उन्हें स्थानापन्न आयकर अधिकारी के रूप में नियुक्त किया जाना है और उनकी तैनाती आयकर अधिकारी, वार्ड 2 (4), कोयम्बतूर में विद्यमान रिक्त स्थान पर की जाती है :—

2. पदधारी को यह सूचना दी जाती है कि

(i) यह नियुक्ति स्थानापन्न आधार पर ही है और यदि आवश्यक पाया गया तो पदधारी को कभी भी किसी भी समय पर प्रत्यावर्तित किया जा सकता है ;

(ii) वेतन का नियतन करने की तारीख का विकल्प का प्रयोग पदोन्नति होने की तारीख के एक महीने के भीतर करना चाहिये जैसा कि दिनांक 26-9-1981 को निर्दिष्ट कार्यालय ज्ञापन सं. एफ. 7/1/80—प्रण./पी. 1 व दिनांक 2-3-1982 को सूचित फा. सं. ए.---26011/1/81 सम्बन्ध में बताया गया है।

(iii) पदधारी को दिनांक 14-10-1996 से पहले नये पद में कार्यभार ग्रहण करना होगा।

[सं. स. 1560 (9)/96-9./ को.]
श्री.मता श्री. पी. राजामणी, आयकर आयुक्त

OFFICE OF THE COMMISSIONER OF INCOME-TAX
ORDER

Coimbatore, the 7th October, 1996

SUB.—ESTABLISHMENT—Income-tax Department—Coimbatore Charge—Promotion to the cadre of Income-tax Officer—Regarding—

REF.—Chief Commissioner's proceedings in C. No. 3(3)/Estt./96 dated 23-9-1996 (ORDER No. 356/96).

S.O. 3027.—Shri R. Krishnamurthy, Inspector of Income-tax, Circle. I. Salem has been approved for promotion as Income-tax Officer in the pay scale of Rs. 2000-60 2300-EB-3200-100-3500) and allotted to the charge of Commissioner of Income tax, Coimbatore vide Chief Commissioner's order cited. He is promoted and appointed to officiate as Income-tax Officer and posted as Income-tax Officer, Ward II(4), Coimbatore against an existing vacancy.

2. The official is informed that—

- his seniority is liable to be changed due to judicial/administrative orders ;
- the appointment is purely on officiating basis and the official is liable for reversion at any time, if found necessary.
- option of the date of fixation of pay on promotion should be exercised within a month from the date of promotion as mentioned in O.M. No. F. 7/1/80-Estt/P.J dated 26-9-1981 communicated in F. No. A-26011/1/81 Co-ord. dated 2-3-1982.

3. The individual should join the new post before 14-10-1996.

[C. No. 1560(9)/96-97CBE]
MRS. R. P. RAJAMANI, Commissioner of Income-tax

(आर्थिक कार्य विभाग)

(बैंकिंग प्रभाग)

नई दिल्ली, 15 अक्टूबर, 1996

का.आ. 3028—भारतीय स्टेट बैंक (अनुपंगी बैंक) अधिनियम, 1959 (1959 का 38) की धारा 26 की उपधारा (2क) के भाग परित धारा 25 की उपधारा (1) के खण्ड (गक) के अनुसरण से, केन्द्रीय सरकार, एतद्वारा स्टेट बैंक ऑफ हैदराबाद, सुपर मार्केट शाखा, गुलबर्गा में विशेष सहायक श्री एन. एस. पेशकार को दिनांक 15 अक्टूबर, 1996 से 14 अक्टूबर, 1999 तक तीन वर्ष की अवधि के लिये या उनके स्टेट बैंक ऑफ हैदराबाद में कर्मचारी रहते तक, जो भी पहले हो, स्टेट बैंक ऑफ हैदराबाद के निदेशक बोर्ड में निदेशक के रूप में नियुक्त करती है।

[सं. 15/3/96—आई आर]
डा. परमजीत सिंह सिद्धू, उप सचिव

(Department of Economic Affairs)

(Banking Division)

New Delhi, the 15th October, 1996

S.O. 3028.—In pursuance of clause (ca) of sub-section (1) of Section 25 read with sub-section (2A) of Section 26 of the State Bank of India (Subsidiary Banks) Act, 1959 (38 of 1959), the Central Government hereby appoints Shri N. S. Peshkar, Special Assistant, State Bank of Hyderabad, Super Market Branch, Gulbarga as director on the Board of State Bank of Hyderabad for a period of three years with effect from 15th October, 1996 to 14th October, 1999 or until he ceases to be an employee of State Bank of Hyderabad whichever is earlier.

[F. No. 15/3/96-IR]
DR. PARAMJIT SINGH SIDDHU, Dy. Secy.

नई दिल्ली, 15 अक्टूबर, 1996

का.आ. 3029—बैंककारी विनियमन अधिनियम, 1949 (1949 का 10) की धारा 53 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारतीय रिजर्व बैंक की सिफारिश से एतद्वारा घोषणा करती है कि उक्त अधिनियम की धारा 9 के उपबंध के तहत सीरियल बैंक लि. पर केरल राज्य के जिला कोट्टायम, बकूम तालुका के ग्राम चेम्बू के सर्वेक्षण सं. 198/9 के अन्तर्गत इसके द्वारा धारित एक एकड़ 81 सेंट की अचल सम्पत्ति के संबंध में 27 जून, 1997 तक की अवधि तक लागू नहीं होंगे।

[सं. 15/3/95—बी.ओ.ए.]
प्रतिभा मोहन, निदेशक

New Delhi, the 15th October, 1996

S.O. 3029.—In exercise of the powers conferred by Section 53 of the Banking Regulation Act, 1949 (10 of 1949), the Central Government, on the recommendation of the Reserve

Bank of India, hereby declares that the provisions of Section 9 of the said Act shall not apply to The Catholic Syrian Bank Ltd. for a period upto 27th June, 1997 in respect of Immovable Property of one acre 81 cents held by it under Survey No. 198/9 of Chembu Village in Vaikom Taluk, Kottayam District, Kerala State.

[F. No. 15/3/96-BOA]
PRATIBHA MOHAN, Director

बीमा प्रभाग

आदेश

नई दिल्ली, 22 अगस्त, 1996

का.आ. 3030—राष्ट्रपति श्री जी. कृष्णामूर्ति को 30-6-1998 तक अर्थात् उनकी सेवा-निवृत्ति की तारीख अथवा अगले आदेश होने तक, जो भी पहले हो, की अवधि के लिये 7500-8000 रुपये के वेतनमान में भारतीय जीवन बीमा निगम, मुम्बई के प्रबंध-निदेशक के रूप में नियुक्त करते हैं।

[फ.सं. 14/2/95-बीमा-5]
डॉ. सी. श्रीवास्तव, निदेशक

(Insurance Division)

ORDER

New Delhi, the 22nd August, 1996

S.O. 3030.—The President is pleased to appoint Shri G. Krishnamurthy as Managing Director of Life Insurance Corporation of India, Mumbai in the pay scale of Rs. 7500—8000 for the period upto 30-06-1998 i.e. the date of his superannuation or till further orders whichever is earlier.

[F. No. 14/2/95-Ins. V]
D. C. SRIVASTAVA, Director

नई दिल्ली, 23 अगस्त, 1996

का.आ. 3031—जीवन बीमा अधिनियम, 1956 (1956 का 31) की धारा 4 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्र सरकार, श्री जी. कृष्णामूर्ति, प्रबंध निदेशक, भारतीय जीवन बीमा निगम को उक्त निगम के सदस्य के रूप में, पदभार ग्रहण करने से लेकर 30 जून, 1998 तक और निगम के प्रबंध निदेशक के पद पर बने रहने तक, इनमें से जो भी पहले हो, नियुक्त करती है।

[फ.सं. 14/2/95-बीमा-5]
डॉ. सी. श्रीवास्तव निदेशक

New Delhi, the 23rd August, 1996

S.O. 3031.—In exercise of the powers conferred by Section 4 of the Life Insurance Act, 1956 (31 of 1956), the Central Government hereby appoints Shri G. Krishnamurthy, Managing Director, Life Insurance Corporation of India as Member of the said Corporation upto 30th June, 1998 from the date of assumption of charge and till he holds the post of Managing Director of the Corporation, whichever is earlier.

[F. No. 14/2/95-Ins. V]
D. C. SRIVASTAVA, Director

CORRIGENDUM

Coimbatore, the 11th October, 1996

SUB.—ESTABLISHMENT—Income-tax Department—Coimbatore Charge—Promotion to the cadre of Income-tax Officer—Regarding—

REF.—This office order of even number dated 7-10-1996.—promotion order in respect of Shri R. Krishnamurthy, I.T.I, Salem.

S.O. 3032.—The pay scale mentioned in para 1 of the above appointment order in the case of Shri R. Krishnamurthy, Inspector of IT, Circle-I, Salem may be read as under—

"Rs. 2000 60-2300-FB-75 3200-100-3500."

[C. No. 1560(9)/96-97/CBI.]

MRS. R. P. RAJAMANI, Commissioner of Income-tax

पेट्रोलियम और प्राकृतिक गैस मंत्रालय

नई दिल्ली, 15 अक्टूबर, 1996

का.आ. 3033—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में आलौर ई.टी.पी. में आलौर जी.जी.एस-II तक पेट्रोलियम के परिवहन के लिये पाइपलाईन तेल तथा प्राकृतिक गैस आयोग द्वारा बिछाई जानी चाहिये।

और अतः यह प्रतीत होता है कि ऐसी लाईनों का बिछाने के प्रयोजन के लिये एतद् पाठ्य अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है।

अतः अब, पेट्रोलियम और खनिज पाइपलाईन भूमि में उपयोग के अधिकार का अर्जन अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा I द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आशय एतद् द्वारा घोषित किया है।

वर्तते कि उक्त भूमि में हितबद्ध कोई व्यक्ति, उस भूमि के नीचे पाइपलाईन बिछाने के लिये आक्षेप रक्षक प्राधिकारी, तेल तथा प्राकृतिक गैस आयोग, निर्माण और देखभाल प्रभाग, अकरपुरा रोड, बड़ौदा-9 को इस अधिभूतना की तारीख से 21 दिनों के भीतर कर सकेगा।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिर्दिष्टतः यह भी कथन करेगा कि क्या यह बड़ चालता है कि उसको सुनवाई व्यक्तिगत रूप से हो या किसी त्रि विव्यवसायी की माफ़न।

अनुसूची

MINISTRY OF PETROLEUM AND NATURAL GAS

New Delhi, the 15th October, 1996

जालोरा ई.टी.पी. से जालोरा जी.जी. एन. -II तक
पाईप लाईन बिछाने के लिये

राज्य : गुजरात जिला : मेहसाना तालुका : कड़ी

गांव	सर्वे नं.	हेक्टेयर	आरे.	सेंटीयर
आईज	1101/पी	0	08	25
	1102	0	23	10
	1103/2	0	16	35
	1103/1	0	12	60
	1096/1	0	03	50
कार्ट ट्रैक		0	00	60
	1184	0	05	40
	1185/1	0	03	44
	1181	0	08	25
	1180/1	0	05	20
	1175	0	06	10
	1176/3	0	02	70
	1176/4	0	06	70
	1176/1	0	06	50
	1169/1	0	12	10
	1269	0	07	95
	1270	0	12	90
	1279/1	0	03	20
	1280	0	14	75
	1286/2	0	01	13
	1288	0	04	10
	1287	0	04	15
	1289	0	00	14
कार्ट ट्रैक		0	01	50
	1356/2	0	00	80
	1356/1	0	03	50
	1355/2	0	02	90
	1354	0	03	75
	1364	0	11	54
	1366	0	03	75
	1367/1	0	07	20
	1368	0	16	95
	1369/2	0	10	80
	1378	0	09	90
	1387	0	00	48

S.O. 3033.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from Jhalora ETP to Jhalora GGS-II in Gujarat State pipeline should be laid by the Oil and Natural Gas Corporation Ltd.

And whereas it appears that for the purpose of laying such pipeline it is necessary to acquire the right of user in the land described in the schedule annexed hereto;

Now, therefore, in exercise of the powers conferred by sub-section (1) of the section 3 of the petroleum and Minerals Pipelines (Acquisition of Right of Users in the Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein :

Provided that any person interested in the said land may object within 21 days from the date of this notification, to laying the pipeline under the land to the Competent Authority, Oil and Natural Gas Corporation Ltd. Construction & Maintenance Division, Makarpura Road, Vadodra-390 009.

And every person making such an objections shall also state specifically whether he wished to be heard in persons or by legal Practitioner.

SCHEDULE

Pipeline from Jhalora FTP to Jhalora GGS II.
State : Gujarat District : Mehsana Taluka : KADI

Village	Survey No.	Hectare	Are	Centiare
Adarnaj	1101/P	0	08	25
	1102	0	23	10
	1103/2	0	16	35
	1103/1	0	12	60
	1096/1	0	03	50
	Cart track	0	00	60
	1184	0	05	40
	1185/1	0	03	44
	1181	0	08	25
	1180/1	0	05	20
	1175	0	06	10
	1176/3	0	02	70
	1176/4	0	06	70
	1176/1	0	06	50
	1169/1	0	12	10
	1269	0	07	95
	1270	0	12	90
	1279/1	0	03	20
	1280	0	14	75
	1286/2	0	01	13
	1288	0	04	10
	1287	0	04	15
	1289	0	00	14
	Cart track	0	01	50
	1356/2	0	00	80
	1356/1	0	03	50
	1355/2	0	02	90
	1354	0	03	75
	1364	0	11	54
	1366	0	03	75
	1367/1	0	07	20
	1368	0	16	95
	1369/2	0	10	80
	1378	0	09	90
	1387	0	00	48

[सं. ओ-12016/18/95-ओ एन जी डी-4]

एम. मार्टिन, डेस्क अधिकारी

[No. O-12016/18/95-ONGD IV]
M. MARTIN, Desk Officer

नई दिल्ली, 15 अक्टूबर, 1996

का.आ. 3034-यतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में जालोरा ई.टी.पी. से जालोरा जी.जी.एस-II तक पेट्रोलियम के परिवहन के लिये पाइप लाइन तेल तथा प्राकृतिक गैस आयोग द्वारा बिछाई जानी चाहिये।

और अतः यह प्रतीत होता है कि ऐसी लाइनों को बिछाने के प्रयोजन के लिये एतदुपाय अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है।

अतः अब पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा-1 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आशय एतद्वारा घोषित किया है :

वर्तते कि उक्त भूमि में हितवद्ध कोई व्यक्ति, उस भूमि के नीचे पाइप लाइन बिछाने के आक्षेप सक्षम प्राधिकारी, तेल तथा प्राकृतिक गैस आयोग, निर्माण और देखभाल प्रभाग, मकरपुरा रोड, बडौदा-9 को इस अधिसूचना की तारीख से 21 दिनों के भीतर कर सकेगा।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिर्दिष्टतः यह भी कथन करेगा कि क्या वह यह चाहता है कि उम्मीदी सुनवाई व्यक्तिगत रूप से हो या किसी विधि व्यवसायी की मार्फत।

अनुसूची

जालोरा ई.टी.पी. से जालोरा जी.जी.एस-II तक पाइप लाइन बिछाने के लिये।

राज्य : गुजरात जिला : मेहसाना तालूका : कड्डी

गांव	सर्वे.नं.	हेक्टेयर	आरे.	सेंटियर
मेरडा	203	0	10	50
	188	0	18	75
	189	0	01	87
	185	0	10	80
	184	0	15	30

[नं. ओ.-12016/19/95-ओ. एन. जी. डी-]]

एम.मार्टिन, डेस्क अधिकारी

New Delhi the 15th October, 1996

S.O.3034.-Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from Jhalora ETP to Jhalora-GGS II in Gujarat State pipeline should be laid by the Oil & Natural Gas Corporation Ltd.

And Whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire the right of user in the land described in the schedule annexed hereto :

Now therefore, in exercise of the powers conferred by sub-section (1) of the section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of Users in the land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein:

Provided that any person interested in the said land may object within 21 days from the date of this notification, to laying the pipeline under the land to the Competent Authority, Oil & Natural Gas Corporation Ltd. Construction & Maintenance Division, Makarpura Road, Vadodra-390 009.

And every person making such an objections shall also state specifically whether he wished to be heard in person or by legal Practitioner.

SCHEDULE

Pipeline from Jhalora ETP to Jhalora GGS II.

State : Gujarat District : Mehsana Taluka : Kadt

Village	Survey No.	Hectare	Are	Centiare
Merda	203	0	10	50
	188	0	18	75
	189	0	01	87
	185	0	10	80
	184	0	15	30

[No. O-12016/19/95-ONG-D. IV]
M. MARTIN, Desk Officer

नई दिल्ली, 15 अक्टूबर, 1996

का.आ. 3035-यतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में एनएनडीडी (16) से नन. ईपीएम तक पेट्रोलियम के परिवहन के लिये पाइप लाइन तेल तथा प्राकृतिक गैस आयोग द्वारा बिछाई जानी चाहिये।

और यतः यह प्रतीत होता है कि ऐसी लाइनों को बिछाने के प्रयोजन के लिये एतदुपाय अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है।

अतः अब पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा 1 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आशय एतद्वारा घोषित किया है :

वर्तते कि उक्त भूमि में हितवद्ध कोई व्यक्ति, उस भूमि के नीचे पाइप लाइन बिछाने के लिये आक्षेप सक्षम प्राधिकारी, तेल तथा प्राकृतिक गैस आयोग, निर्माण और देखभाल प्रभाग, मकरपुरा रोड, बडौदा-9 को इस अधिसूचना की तारीख से 21 दिनों के भीतर कर सकेगा।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिर्दिष्टतः यह भी कथन करेगा कि क्या वह यह चाहता है कि उसकी सुनवाई व्यक्तिगत रूप से हो या किसी विधि व्यवसायी की मार्फत।

अनुसूची

एन एन डीडी (16) से नन ईपीएस तक पाइप लाइन बिछाने के लिये

राज्य : गुजरात जिला : मेहसाना तालुका कड़ी

गांव	सर्वे नं.	हेक्टेयर	आर	सेंटीयर
कैयल	549	0	08	40
	550	0	13	20
	825/भाग	0	05	40
	825/भाग	0	12	72

[सं. ओ-12016/20/95-ओ एन जी डी-IV]
एम. मार्टिन, डेस्क अधिकारी

New Delhi, the 15th October, 1996

S.O.3035.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from NNDD (16) to Nan. EPS in Gujarat State pipeline should be laid by the Oil & Natural Gas Corporation Ltd.

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire the right of user in the land described in the schedule annexed hereto: —

Now therefore, in exercise of the powers conferred by sub-section (1) of the section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of Users in the Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein:

Provided that any person interested in the said land may object within 21 days from the date of this notification, to laying the pipeline under the land to the Competent Authority, Oil & Natural Gas Corporation Ltd. Construction & Maintenance Division, Makarpura Road, Vadodara-390 009

And every person making such an objections shall also state specifically whether he wished to be hear in person or by legal Practitioner.

SCHEDULE

Pipelin from NNDD(16) to Nan. EPS

State : Gujarat District : Mehsana Taluka : Kadi

Village	Survey No.	Hectare	Are	Centiare
Kaiyal	549	0	08	40
	550	0	13	20
	825/P	0	05	40
	825/P	0	12	72

[No. O-12016/20/95-ONGD IV]
M. MARTIN, Desk Officer

नई दिल्ली, 15 अक्टूबर, 1996

का.आ. 3036—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में एन एन ओ एच (10) से नन ईपीएस तक पेट्रोलियम के परिवहन के लिये पाइपलाईन तेल तथा प्राकृतिक गैस आयोग द्वारा बिछाई जानी चाहिये।

और यतः यह प्रतीत होता है कि ऐसी लाइनों को बिछाने के प्रयोजन के लिये एतद्वारा अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है;

अतः अब, पेट्रोलियम और खनिज पाइपलाईन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा 1 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आशय एतद्वारा घोषित किया है:

वर्तते कि उक्त भूमि में हितवद्ध कोई व्यक्ति उस भूमि के नीचे पाइप लाइन बिछाने के लिये आक्षेप सक्षम प्राधिकारी, तेल तथा प्राकृतिक गैस आयोग, निर्माण और देखभाल प्रभाग, मकरपुरा रोड, बड़ौदा-9 को इस अधिसूचना की तारीख से 21 दिनों के भीतर कर सकेगा।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिर्दिष्टतः यह भी कथन करेगा कि क्या वह यह चाहता है कि उसकी सुनवाई व्यक्तिगत रूप से हो या किसी विधि व्यवसायी की मार्फत।

अनुसूची

एन एन ओ एच (10) से नन ईपीएस तक पाइप लाइन बिछाने के लिये

राज्य : गुजरात जिला : मेहसाना तालुका कड़ी

गांव	सर्वे नं.	हेक्टेयर	आरे	सेंटीयर
कैयल	53/1	0	09	96
	53/1/पी	0	00	96
	52	0	08	16
	51	0	01	80
	50/2	0	10	68
	45	0	13	80
	821	0	06	96
	825	0	21	48
	555 एंड 825	0	16	80

[सं. ओ-12016/21/95-ओ एन जी डी-IV]
एम. मार्टिन, डेस्क अधिकारी

New Delhi, 15th Oct. 1996

S.O.3036.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from NNAH (10) to Nan EPS in Gujarat State pipeline should be laid by the Oil & Natural Gas Corporation Ltd.

And Whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire the right of user in the land described in the schedule annexed here to:—

Now therefore, in exercise of the powers conferred by sub-section (1) of the section 3 of the petroleum and Minerals Pipelines (Acquisition of Right of Users in the land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein:

Provided that any person interested in the said land may object within 21 days from the date of this notification, to laying the pipeline under the land to the Competent Authority, Oil & Natural Gas Corporation Ltd. Construction & Maintenance Division, Makarpura Road, Vadodara-390 009.

And every person making such an objections shall also state specifically whether he wished to be heard in person or by legal Practitioner.

SCHEDULE

Pipeline from NNAH (10) to NAN. EPS.

State : Gujarat	District : Mehsana	Taluka : Kadi		
Village	Survey No.	Hectare	Are	Centiare
Kaiyal	53/1	0	09	96
	53/1/P	0	00	96
	52	0	08	16
	51	0	01	80
	50/2	0	10	68
	45	0	13	80
	821	0	06	96
	825	0	21	48
	555 & 825	0	16	80

[No. O-12016/21/95-ONGD IV]
M. MARTIN, Desk Officer

नई दिल्ली, 15 अक्टूबर, 1996

का.आ. 3037—प्रतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में गैस पॉइन्ट से बलोल III तक पेट्रोलियम के परिवहन के लिये पाइपलाइन तेल तथा प्राकृतिक गैस आयोग द्वारा बिछाई जानी चाहिये।

और अतः यह प्रतीत होता है कि ऐसी लाईनों को बिछाने के प्रयोजन के लिये एतदुपाय अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है।

अतः अब पेट्रोलियम और खनिज पाइपलाइन भूमि में उपयोग के अधिकार का अर्जन अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा द्वारा प्रदत्त शक्तियों का प्रयोग

करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आशय एतद्वारा घोषित किया है।

बशर्ते कि उक्त भूमि में हितवद्ध कोई व्यक्ति, उस भूमि के नीचे पाइप लाईन बिछाने के लिये आक्षेप सक्षम प्राधिकारी, तेल तथा प्राकृतिक गैस आयोग, निर्माण और देखभाल प्रभाग, मकरपुरा रोड, बड़ौदा-9 को इस अधिवृत्तना की तारीख से 21 दिनों के भीतर कर सकेगा।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिर्दिष्टतः यह भी कथन करेगा कि क्या वह वह चाहता है कि उसकी सुनवाई व्यक्तिगत रूप से हो या किसी विधि व्यवसायी की मार्फत।

अनुसूची

गैस पॉइन्ट से बलोल III तक पाइपलाइन बिछाने के लिये

राज्य : गुजरात जिला : मेहसाणा तालुका : काणस्मा

गांव	सर्वे नं.	हेक्टेयर	आर	सेंटियर
कनोडा	499	0	09	84
	497	0	07	68
	496	0	08	76
	495	0	11	40
	494	0	13	68

[सं. ओ.-12 16/22/95-ओ एन जी डी-4]

एम. मार्टिन, डेस्क अधिकारी

New Delhi, the 15th October, 1996

S.O.3037.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of Petroleum from Gas Point to Balol-III in Gujarat State pipeline should be laid by the Oil & Natural Gas Corporation Ltd.

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire the right of user in the land described in the schedule annexed here to:—

Now therefore, in exercise of the powers conferred by sub-section (1) of the section 3 of the petroleum and Minerals Pipelines (Acquisition of Right of Users in the land) Act 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein:

Provided that any person interested in the said land may object within 21 days from the date of this notification, to laying the pipeline under the land to the Competent Authority, Oil & Natural Gas Corporation Ltd. Construction & Maintenance Division, Makarpura Road, Vadodara-390009

And every person making such an objections shall also state specifically whether he wished to be heard in person or by legal Practitioner.

SCHEDULE

Pipeline from Gas Point to Balol III.

State : Gujarat	District : Mehsana	Taluka : Chanasma		
Village	Survey No.	Hectare	Are	Centiare
Kanoda	499	0	09	84
	497	0	07	68
	496	0	08	76
	495	0	11	40
	494	0	13	68

[No. 12016/23/95-ONGD IV]
M. MARTIN, Desk Officer

नई दिल्ली, 15 अक्टूबर, 1996

का.अ. 3038—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में ऐसा करना आवश्यक है कि गुजरात राज्य में एक्स डब्ल्यू.एफ.एन(21) से लनवाई पी एस-2 तक पेट्रोलियम के परिवहन के लिये पाईपलाईन तेल तथा प्राकृतिक गैस आयोग द्वारा बिछाई जानी चाहिये।

और अतः यह प्रतीत होता है कि ऐसी लाईनों को बिछाने के प्रयोजन के लिये एतद्पाबद्ध अनुसूची में वर्णित भूमि के उपयोग का अधिकार अर्जित करना आवश्यक है।

अतः अब पेट्रोलियम और खनिज पाईपलाईन भूमि में उपयोग के अधिकार का अर्जन अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा-1 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आशय एतद्वारा घोषित किया है।

बशर्ते कि उक्त भूमि में हितबद्ध कोई व्यक्ति, उस भूमि के नीचे पाईप लाईन बिछाने के लिये आक्षेप सक्षम प्राधिकारी, तेल तथा प्राकृतिक गैस आयोग, निर्माण और रखरखाव प्रभाग, मकरपुरा रोड, बड़ौदा-9 को इस अधिसूचना की तारीख से 21 दिनों के भीतर कर सकेगा।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिर्दिष्टः यह भी बताना होगा कि वह यह चाहता है कि उसकी सुनवाई व्यक्तिगत रूप से हो या किसी विधि व्यवसायी की मार्फत।

अनुसूची

एल डब्ल्यू.एफ.एन(21) से लनवाई पी एस-2 तक पाईप लाईन बिछाने के लिये।

राज्य : गुजरात जिला : मेहसाणा तालुका : चानस्मा

गांव	सर्वे नं.	हेक्टेयर	आर.	सेंटियर
ककासना	197	0	02	76
	196	0	5	52
	195	0	05	16
	194	0	04	44
	193	0	10	68

[सं. ओ.-12516/23/95-ओ एन जी डी-4]

एम. मार्टिन, बस्क अधिकारी

New Delhi, the 15th October, 1996

S.O. 3038.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from LWFN(21) to Lanwa EPS II in Gujarat State pipeline should be laid by the Oil & Natural Gas Corporation Ltd.

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire the right of user in the land described in the schedule annexed here to:

Now therefore, in exercise of the powers conferred by sub-section (1) of the section 3 of the petroleum and Minerals Pipelines (Acquisition of Right of Users in the land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein:

Provided that any person interested in the said land may object within 21 days from the date of this notification, to laying the pipeline under the land to the Competent Authority, Oil & Natural Gas Corporation Ltd. Construction & Maintenance Division, Makarpura Road, Vadodra-390 009.

And every person making such an objections shall also state specifically whether he wished to be heard in person or by legal Practitioner.

SCHEDULE

Pipeline from LWFN (21) to LANWA EPS II

State : Gujarat District : Mehsana Taluka : Chanasma

Village	Survey No.	Hectare	Are	Centiare
Kakasna	197	0	02	76
	196	0	05	52
	195	0	05	16
	194	0	04	44
	193	0	10	68

[N o. O-12016/23/95-ONGD IV]
M. MARTIN, Desk Officer

नई दिल्ली, 15 अक्टूबर, 1996

का.अ. 3038—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में एन के 28 से एन के डब्ल्यू.एफ.एन(21) तक पेट्रोलियम के परिवहन के लिये पाईपलाईन तेल तथा प्राकृतिक गैस आयोग द्वारा बिछाई जानी चाहिये।

और अतः यह प्रतीत होता है कि ऐसी लाईनों को बिछाने के प्रयोजन के लिये एतद्पाबद्ध अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है।

अतः अब पेट्रोलियम और खनिज पाईपलाईन भूमि में उपयोग के अधिकार का अर्जन अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आशय एतद्वारा घोषित किया है।

बशर्ते कि उक्त भूमि में हितबद्ध कोई व्यक्ति, उस भूमि के नीचे पाईप लाईन बिछाने के लिये आक्षेप सक्षम प्राधिकारी, तेल तथा प्राकृतिक गैस आयोग, निर्माण और

देखना प्रभाग, मकरपुरा रोड, बड़ीवा-9 को इस अधिसूचना की तारीख से 21 दिनों के भीतर कर सकेगा।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिर्दिष्ट यह भी कथन करेगा कि क्या वह चाहता है कि उस की सुनवाई व्यक्तिगत रूप से हो या किसी विधि व्यवसायी की मार्फत।

अनुसूची

एन के 28 से एन के डब्ल्यू डब्ल्यू टीपी तक पश्चिम-पूर्व दिशा में बिछाने के लिये

राज्य : गुजरात जिला मेहसाणा तालुका : कडी

गांव	सर्वेक्षण	हेक्टेयर	आर	सेंटियर
सुरज	741/1	0	05	28
	741/1	0	06	12
कार्ट ट्रैक		0	00	60
	783/2	0	05	28
	743	0	05	04
	783/2	0	06	04
	746	0	02	16
कार्ट ट्रैक		0	00	48
	782	0	08	52
	782	0	04	80
	771	0	06	00
	770	0	10	00
	771	0	03	60

[सं. ओ.-12016/24/95-ओ-एन जी डी-1]

एम. मार्टिन, डेस्क अधिकारी

New Delhi 15th October, 1996

S.O. 3039.—Whereas it appears to the Central Government that it is necessary in the public interest that for the

transport of petroleum from NK-28 to NK WWTP in Gujarat State pipeline should be laid by the Oil & Natural Gas Corporation Ltd.

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire the right of user in the land described in the schedule annexed hereto:

Now therefore, in exercise of the powers conferred by sub-section (1) of the section 3 of the petroleum and Minerals Pipelines (Acquisition of Right of Users in the land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein:

Provided that any person interested in the said land may object within 21 days from the date of this notification, to paying the pipeline under the land to the Competent Authority, Oil & Natural Gas Corporation Ltd. Construction & Maintenance Division, Makarpura Road, Vadodara-390009.

And every person making such an objections shall also state specifically whether he wished to be heard in person or by legal Practitioner.

SCHEDULE

Pipeline from NK-28 to NK WWTP

State : Gujarat District : Mehsana Taluka Kadi

Village	Survey No.	Hectare	Are	Centiare
Suraj	741/1	0	05	28
	741/1	0	06	12
	Cart track	0	00	60
	783/2	0	05	28
	743	0	05	04
	783/2	0	06	04
	746	0	02	16
	Cart track	0	00	48
	782	0	08	52
	782	0	04	80
	771	0	06	00
	770	0	10	00
	771	0	03	60

[No. O-12016/24/95-ONGD IV]

M. MARTIN, Desk Officer

नई दिल्ली, 16 अक्टूबर, 1996

का.आ. 3040 :— चूंकि केन्द्रीय सरकार को यह प्रतीत होत है कि जनहित में यह आवश्यक है कि आई.पी. आर. आर. स्टेशन, बसेरा ओन एच.बी.जे. (पिप) से आगरा और फिरोजाबाद उत्तर प्रदेश राज्य में पेट्रोलियम और प्राकृतिक गैस के परिवहन के लिए पाइपलाइन गैस अथॉरिटी ऑफ इंडिया लिमिटेड द्वारा बिछाई जानी चाहिए।

और चूंकि यह प्रतीत होता है कि ऐसी लाइन को बिछाने के प्रयोजन के लिए एतद्प्राबद्ध अनुसूची में वर्णित भूमि में उपयोग अधिकार अर्जित करना आवश्यक है।

अतः अब पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार उसमें उपयोग का अधिकार अर्जित करने का अपना आशय एतद्द्वारा घोषित करती है।

बशर्ते कि उक्त भूमि में हितबद्ध कोई व्यक्ति; उस भूमि के नीचे पाइप लाइन बिछाने के लिए आक्षेप सक्षम प्राधिकारी, गैस अथॉरिटी ऑफ इंडिया लिमिटेड ए-9 सेक्टर 19, नोएडा, गाजियाबाद को इस अधिसूचना की तारीख से 21 दिनों के भीतर कर सकेगा।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिर्दिष्ट यह भी कथन करेगा कि क्या वह चाहता है कि उसकी सुनवाई व्यक्तिगत हो या किसी विधि व्यवसायी की मार्फत।

बाद-प्रमुखी

बल्लोडा-भागरा-फिरोजाबाद स्पर गैस पाइप लाईन परियोजना

जिला	तहसील	परगना	ग्राम	खसरा सं.	अर्जित क्षेत्र हेक्टेयर में	अन्य विवरण
1	2	3	4	5	6	7
मथुरा	सादाबाद	सादाबाद	मिडावली	2066	0.0010	
				2068	0.0450	
				2069	0.0622	
				2070	0.0288	
				2071	0.1190	
				2077	0.3412	
				2075	0.0050	
				2079	0.1182	
				2076	0.0020	
				2117	0.0540	
				2083	0.6580	
				2097	0.2180	
				2098	0.1110	
				2100	0.0540	
				2101	0.0956	
				2103	0.0180	
				2196	0.0010	
				17	1.9320	
मथुरा	सादाबाद	सादाबाद	मुशिदाबाद	81	0.0648	
				70	0.0072	
				49	0.0882	
				71	0.0360	
				72	0.0036	
				53	0.1548	
				69	0.0108	
				56	0.1368	
				57	0.0144	
				55	0.0288	
				61	0.0180	
				60	0.0072	
				58	0.1836	
				59	0.1080	
			योग	14	0.8622	हेक्टेयर
मथुरा	सादाबाद	सादाबाद	तेराबांगर	92	0.0576	
				93	0.3240	
				94	0.0792	

1	2	3	4	5	6	7
मथुरा	सादाबाद	सावाबाद	नेराबांगर	96	0.0648	
				98	0.0072	
				101	0.0040	
				99	0.1116	
				100	0.2520	
				108	0.0100	
				110	0.0144	
				111	0.2160	
				191	0.0135	
				190	0.0072	
				189	0.1908	
				188	0.1224	
				181	0.1296	
				180	0.2160	
				479	0.0720	
				478	0.0080	
				480	0.0300	
				481	0.0540	
				482	0.0612	
				483	0.0520	
				487	0.1008	
				488	0.0072	
				489	0.0216	
				490	0.0125	
				497	0.1800	
				496	0.2556	
				522	0.1548	
				521	0.1917	
				519	0.0135	
				546	0.0180	
				547	0.0792	
				548	0.0540	
				543	0.1690	
				551	0.0072	
				552	0.2080	
				542	0.0080	
				554	0.1260	
				555	0.1152	
				556	0.1584	
				570	0.1944	
				539	0.0144	
				44	4.1870	हैक्टेयर

1	2	3	4	5	6	7
मथुरा	सादाबाद	सादाबाद	सराय सालवाहन	450	0.0036	
				492	0.0720	
				493	0.0540	
				494	0.0360	
				495	0.0396	
				496	0.0828	
				486	0.0469	
				487	0.0072	
			योग	8	0.3420	हेक्टेयर
मथुरा	सादाबाद	सादाबाद	कनोरा	269	0.0180	
				282	0.0270	
				281	0.1368	
				279	0.0900	
				280	0.0036	
				278	0.1584	
				277	0.0072	
				276	0.0180	
				272	0.0108	
				271	0.0936	
				260	0.2520	
				259	0.0108	
				258	0.0360	
				366	0.0720	
				367	0.1836	
				368	0.0360	
				381	0.0108	
				384	0.3276	
				385	0.2484	
				386	0.0216	
				387	0.0054	
				200	0.0288	
				392	0.0054	
				391	0.1944	
				394	0.0254	
				415	0.0036	
				416	0.1278	
				417	0.1512	
				418	0.0108	
				419	0.2016	
				420	0.0828	
				409	0.1944	
				498	0.0216	
				504	0.0504	
				505	0.0648	

1	2	3	4	5	6	7
मथुरा	सादाबाद	सादाबाद	अवोरा	506	0.0504	
				507	0.0846	
				514	0.0108	
				515	0.2052	
				511	0.0558	
				526	0.0144	
				41	3.2516	हेक्टेयर
मथुरा	सादाबाद	सादाबाद	आकोस बंगर	2681	0.0558	
				2682	0.0288	
				2680	0.0792	
				2672	0.1728	
				2677	0.0072	
				2678	0.0288	
				427	0.1170	
				428	0.0324	
				445	0.1548	
				452	0.0432	
				466	0.0108	
				460	0.0324	
				461	0.1440	
				463	0.1188	
				464	0.0216	
				462/3031	0.0540	
				462	0.0054	
				916	0.0108	
				898	0.0020	
				900	0.0720	
				898	0.0396	
				901	0.0108	
				902	0.0648	
				897	0.0072	
				894	0.1296	
				903	0.0144	
				896	0.1260	
				895	0.0540	
				964	0.0144	
				2240	0.1512	
				2245	0.1656	
				2254	0.0072	
				2255	0.1872	
				2243	0.1800	
				2263	0.0054	
				2264	0.0036	
				2230	0.0108	
				2204	0.2484	

1	2	3	4	5	6	7
			आकोस बांगर	2209	0.0504	
				2203	0.0108	
				2175	0.0648	
				2174	0.0720	
				2173	0.0180	
				2164	0.1080	
				2663	0.1440	
				2152	0.1764	
				2150	0.0468	
				2153	0.0684	
				2148	0.0072	
				2146	0.0540	
				2090	0.0162	
				2089	0.1800	
				2088	0.0396	
				2076	0.0864	
				2079	0.1980	
				973	0.0072	
				1818	0.0756	
				2078	0.0180	
				1819	0.0504	
				1820	0.2340	
				1829	0.0072	
				1832	0.1872	
				1831	0.0072	
				1835	0.1296	
				1936	0.1548	
				1839	0.0288	
				1840	0.2376	
				1842	0.0504	
				1843	0.0108	
				1844	0.0288	
				1802	0.0144	
				1695	0.0396	
				1671	0.0432	
				1670	0.0108	
				1669	0.0072	
				1668	0.0900	
				1666	0.1188	
				1665	0.0288	
				1664	0.0108	
				1663	0.0090	
				1661	0.0648	
				1634	0.0108	
			कुल योग	82	5.6988	हेक्टेअर

1	2	3	4	5	6	7
मथुरा	सादाबाद	सादाबाद	कंजोलीघाट	500	0.2070	
			बांगर	501	0.1674	
				542	0.0216	
				539	0.1044	
				538	0.216	
				531	0.1260	
				536	0.0504	
				535	0.1926	
				534	0.0160	
				563	0.2988	
				562	0.0630	
				561	0.1800	
				1062	0.0144	
				1088	0.2340	
				1083	0.0144	
				1063	0.3564	
				1064	0.1638	
				1067	0.0072	
				1068	0.0072	
				1071	0.1746	
				1072	0.1728	
				21	2.5956	हैक्टेयर
मथुरा	सादाबाद	सादाबाद	कंजोलीघाट	यमुना नदी	0.5040	
			खादर	13	0.1908	
				18	0.1800	
				17	0.0720	
				14	0.0882	
				15	0.0414	
				6	1.0764	हैक्टेयर
मथुरा	सादाबाद	सादाबाद	मावौर	1472	0.1980	
				1471	0.2304	
				1469	0.0720	
				1468	0.9396	
				1467	0.0648	
				1463	1.6200	
				1625	0.0702	
				1624	0.1656	
				1621	0.2252	
				1755	0.1360	
				1756	0.0297	
				1754	0.0130	
				1770	0.0288	
				1749	0.2360	

1	2	3	4	5	6	7
मशरु	सादाबाद	सादाबाद	माक्षर	1748	0.2540	
				1782	0.0648	
				1747	0.1810	
				1851	0.1994	
				1853	0.0020	
				1852	0.1366	
				1847	0.1400	
				1869	0.0260	
				1870	0.0270	
				1872	0.0308	
				1873	0.2318	
				1899	0.0072	
				1898	0.1700	
				1903	0.0054	
				1908	0.2600	
				1909	0.1080	
				1896	0.0180	
				1895	0.1080	
				1910	0.0072	
				1924	0.1476	
				1927	0.1260	
				1926	0.0612	
				1736	0.0072	
				1931	0.2996	
				1932	0.0072	
				1933	0.3572	
				2062	0.0108	
				2060	0.1536	
				2059	0.1350	
				2057	0.0072	
				2054	0.3140	
				2047	0.2060	
				2045	0.1250	
				2037	0.0301	
				2038	0.0480	
				2039	0.0748	
				2040	0.0480	
				2041	0.0280	
				2028	0.0750	
				2031	0.0072	
				2029	0.0040	
				2025	0.4680	
				2024	0.1080	
				57	8.8577	हैक्टेयर

[सं. एन-14016/10/96 जी बी]

अध्यक्ष, येन, निदेशक

New Delhi, the 16th October, 1996

S.O. 304). whereas it appears to the Central Government that it is necessary in the public interest that for the transport of Petroleum and Natural Gas from IPSRR to : at Bajbara on HBT (Grip to Agra & Firozabad in Uttar Pradesh State pipeline should be laid by the Gas Authority of India Ltd.

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire the right of user in the land described in the schedule annexed hereto:

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the Land) Act 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein:

Provided that any person interest in the said land may, within 21 days from the date of this notification, object to the laying of the pipeline under the land to the Competent Authority, Gas Authority of India Ltd., A-9, Sector 19, Noida, Ghaziabad.

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal practitioner.

CASE SCHEDULE

BAJHERA-AGRA-FIROZABAD SPUR GAS PIPE LINE PROJECT

District	Tehsil	Pargana	Village	Plot No.	Acquired area in Hectare	Remark
1	2	3	4	5	6	7
Mathura	Sadabad	Sadabad	Midawli	2066	0.0010	
				2068	0.0450	
				2069	0.0622	
				2070	0.0288	
				2071	0.1190	
				2077	0.3412	
				2075	0.0050	
				2079	0.1182	
				2076	0.0020	
				2117	0.0540	
				2083	0.6580	
				2097	0.2180	
				2098	0.1110	
				2100	0.0540	
				2101	0.9056	
				2103	0.0180	
				2196	0.0010	
				17	1.9320	
					Hectare	
Mathura	Sadabad	Sadabad	Murshedabad	81	0.0648	
				70	0.0072	
				49	0.0882	
				71	0.0360	
				72	0.0036	
				53	0.1548	
				69	0.0108	
				56	0.1368	

1	2	3	4	5	6	7
				57	0.0144	
				55	0.0288	
				61	0.0180	
				60	0.0072	
				58	0.1836	
				59	0.1080	
			Total :	14	0.8622	Hectare
Mathura	Sadabad	Nera Banger		92	0.0576	
				93	0.3240	
				94	0.0792	
				96	0.0648	
				98	0.0072	
				101	0.0040	
				99	0.1116	
				100	0.2520	
				108	0.0100	
				110	0.0144	
				111	0.2160	
				191	0.0135	
				190	0.0072	
				189	0.1908	
				188	0.1224	
				181	0.1296	
				180	0.2160	
				479	0.0720	
				478	0.0080	
				480	0.03 0	
				481	0.540	
				482	0.0612	
				483	0.0520	
				487	0.1008	
				488	3. 72	
				489	0.01216	
				490	0.0125	
				497	0.1800	
				496	0.2556	
				522	0.1548	
				521	0.1917	
				519	0.0135	
				546	0.0180	
				547	0.0792	
				548	0.0540	
				543	0.1690	
				551	0.0672	
				552	0.2080	
				542	0.0080	
				554	0.1260	
				555	0.1152	
				556	0.1584	
				570	0.1944	
				539	0.0144	
				44	4.1870	Hectare

	2	3	4	5	6	7
Mathura	Sadabad	Sadabad	Sarai Salwahan	450	0.0036	
				492	0.0720	
				493	0.0540	
				494	0.0360	
				495	0.0396	
				496	0.0828	
				486	0.0468	
				487	0.0072	
			Total :	8	0.3420	
					Hectare	
Mathura	Sadabad	Sadabad	Kanaura	269	0.0180	
				282	0.0270	
				281	0.1368	
				279	0.0900	
				280	0.0036	
				278	0.1584	
				277	0.0072	
				276	0.0180	
				272	0.0108	
				271	0.0936	
				260	0.2520	
				259	0.0108	
				258	0.0360	
				366	0.0720	
				367	0.1836	
				368	0.0360	
				381	0.0108	
				384	0.3276	
				385	0.2484	
				386	0.0216	
				387	0.0054	
				200	0.0288	
				392	0.0054	
				391	0.1944	
				394	0.0252	
				415	0.0036	
				416	0.1278	
				417	0.1512	
				418	0.0108	
				419	0.2016	
				420	0.0828	
				409	0.1944	
				498	0.0216	
				504	0.0504	
				505	0.0648	
				506	0.0504	
				507	0.0846	
				514	0.0108	
				515	0.2052	
				511	0.0558	
				526	0.0144	
				41	3.3516 Hectare	

1	2	3	4	5	6	7
Mathura	Sadabad	Sadabad	Aakos Banger	2681	0.0558	
				2682	0.0288	
				2680	0.0792	
				2672	0.1728	
				2677	0.0072	
				2678	0.0288	
				427	0.1170	
				428	0.0324	
				445	0.1548	
				452	0.0432	
				466	0.0108	
				460	0.0324	
				461	0.1440	
				463	0.1188	
				464	0.0216	
				462/3031	0.0540	
				462	0.0054	
				916	0.0108	
				899	0.0720	
				900	0.0720	
				898	0.0396	
				901	0.0108	
				902	0.0648	
				897	0.0072	
				894	0.1296	
				903	0.0144	
				896	0.1260	
				895	0.0540	
				964	0.0144	
				2240	0.1512	
				2245	0.1656	
				2254	0.0072	
				2555	0.1872	
				2243	0.1800	
				2263	0.0054	
				2264	0.0036	
				2230	0.0108	
				2204	0.2484	
				2209	0.0504	
				2203	0.0108	
				2175	0.0648	
				2174	0.0720	
				2173	0.0180	
				2164	0.1080	
				2663	0.1440	
				2152	0.1764	
				2150	0.0468	
				2153	0.0684	
				2148	0.0072	
				2146	0.0540	
				2090	0.0162	
				2089	0.1800	
				2088	0.0396	
				2086	0.0864	

1	2	3	4	5	6	7
Mathura	Sadabad	Sadabad	Aakos Banger	2079	0.1980	
				973	0.0072	
				1818	0.0756	
				2078	0.0180	
				1819	0.0504	
				1820	0.2340	
				1829	0.0072	
				1832	0.1872	
				1831	0.0072	
				1835	0.1296	
				1836	0.1548	
				1839	0.0288	
				1840	0.2376	
				1842	0.0504	
				1843	0.0108	
				1844	0.0288	
				1802	0.0144	
				1695	0.0396	
				1671	0.0432	
				1670	0.0108	
				1669	0.0072	
				1668	0.0900	
				1666	0.1188	
				1665	0.0288	
				1664	0.0108	
				1663	0.0090	
				1661	0.0648	
				1634	0.0108	
			Total :	82	5.6988	Hectare
Mathura	Sadabad	Sadabad	Kanjoli Ghat	500	0.2070	
			Banger	501	0.1674	
				542	0.0216	
				539	0.1044	
				538	0.0216	
				531	0.1260	
				536	0.0504	
				535	0.1926	
				534	0.0180	
				563	0.2988	
				562	0.0630	
				561	0.1800	
				1062	0.0144	
				1088	0.2340	
				1083	0.0144	
				1063	0.3564	
				1064	0.1638	
				1067	0.0072	
				1068	0.0072	
				1071	0.1746	
				1072	0.1728	
			Total :	21	2.5956	Hectare

1	2	3	4	5	6	7
Mathura	Sadabad	Sadabad	Kanjoli Ghat Khadar	Yamuna River	0.5040	
				13	0.1908	
				18	0.1800	
				17	0.0720	
				14	0.0882	
				15	0.0414	
			Total :	6	1.0764	Hectare
Mathura	Sadabad	Sadabad	Madaur	1472	0.1980	
				1471	0.2304	
				1469	0.0720	
				1468	0.9396	
				1467	0.0648	
				1463	1.6200	
				1625	0.0702	
				1624	0.1656	
				1621	0.2252	
				1755	0.1360	
				1756	0.0297	
				1754	0.0130	
				1770	0.0288	
				1749	0.2360	
				1748	0.2540	
				1782	0.0648	
				1747	0.1810	
				1851	0.1994	
				1853	0.0020	
				1852	0.1366	
				1847	0.1400	
				1869	0.0260	
				1870	0.0270	
				1872	0.0308	
				1873	0.2318	
				1899	0.0072	
				1898	0.1700	
				1903	0.0054	
				1908	0.2600	
				1909	0.1080	
				1896	0.0180	
				1895	0.1080	
				1910	0.0072	
				1924	0.1476	
				1927	0.1260	
				1926	0.0612	
				1936	0.0072	
				1931	0.2996	
				1932	0.0072	
				1933	0.3572	
				2062	0.0108	
				2060	0.1536	
				2059	0.1350	

1	2	3	4	5	6
				2037	0.0072
				2054	0.3140
				2047	0.2060
				2045	0.1250
				2037	0.0306
				2038	0.0480
				2039	0.0748
				2040	0.0480
				2041	0.0280
				2028	0.0750
				2031	0.0072
				2029	0.0040
				2025	0.4680
				2024	0.1080
				57	8.8577
					Hectare

[No. L-14016/10/96-GP]
ARDHENDU SEN, Director

नई दिल्ली, 17 अक्तूबर, 1996

का.प्र. 3041—चूंकि केन्द्रीय सरकार को यह प्रतीत होता है कि जनहित में यह आवश्यक है कि एच.बी.जे. अपप्रेडेशन गैस पाइपलाइन प्रोजेक्ट विजयपुर से दादरी से राजस्थान राज्य तक पेट्रोलियम और प्राकृतिक गैस के परिवहन के लिये पाइपलाइन गैस अथारिटी आफ इंडिया लिमिटेड द्वारा ब्रिछाई जानी चाहिये।

और चूंकि यह प्रतीत होता है कि ऐसी लाइन को बिछाने के प्रयोजन के लिये एतद्पावद अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है।

अतः, अब, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा उक्त शक्तियों का अयोग करते हुए केन्द्रीय सरकार उसमें उपयोग का अधिकार अर्जित करने का अपना आशय एतद्द्वारा घोषित करती है।

इसमें कि उक्त भूमि में हितवद्ध कोई व्यक्ति उक्त भूमि के नीचे पाइपलाइन बिछाने के लिये आशेष अधिकार अधिकारी, गैस अथारिटी ऑफ इंडिया लिमिटेड, 30, कृष्ण नगर, भरतपुर (राजस्थान) को उक्त अधिसूचना की तारीख से 21 दिनों के भीतर कर सकेगा।

और ऐसा आशेष करने वाला हर व्यक्ति विनिवृष्टतः यह भी कथन करेगा कि क्या वह चाहता है कि उसकी सुनवाई व्यक्तिगत हो या किसी विधि व्यवसायी की मार्फत।

अनुसूची

एच.बी.जे. अपप्रेडेशन गैस पाइपलाइन विजयपुर से दादरी]]

गांव का नाम—रामपुर

तहसील—बसेडी

जिला—धौलपुर

क.सं.	ग्राम का नाम व तहसील खसरा नं.	प्राचीन रकबा	नया रकबा
		है.	है.
		ऐयर वर्ग मी.	ऐयर वर्ग मी.
1.	रामपुर तह. बसेडी	693	1 50

अनुसूची

एच. बी. जे. अपग्रेडेशन गैस पाईपलाईन विजयपुर से दादरी

गांव का नाम—बसेडी-II, तह.—बसेडी, जिला—धौलपुर

क्र.सं.	गांव का नाम व तहसील	खसरा नं.	पुराना रकबा			नया रकबा		
			हे.	ऐयर	वर्ग मी.	हे.	ऐयर	वर्ग मी.
1.	बसेडीII, तह. बसेडी	2663	—	—	30	—	—	—
		2662	—	20	70	—	21	00
		2664	—	2	40	—	—	—
		2708	—	23	40	—	19	00
		2709	—	16	20	—	15	70
		2746	—	3	60	—	5	00
		2748	—	2	40	—	4	20
		2749	—	18	00	—	14	80
		2719	—	—	—	—	0	50
		2720	—	—	—	—	1	60
		2721	—	—	—	—	1	80
		2722	—	—	—	—	1	00
		12	00	87	00		84	60

[सं. एल-14016/6/94-जी पी]

अर्थीन्धु सेन, निदेशक

New Delhi, the 17th October, 1996

S.O.3041—whereas it appears to the Central Government that it is necessary in the public interest that for the transport of Petroleum and Natural Gas from HBJ Upgradation Pipe line Project Vijaipur to Dadri in Rajasthan State pipeline should be laid by the Gas Authority of India Ltd.

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire the right of user in the land described in the schedule annexed hereto;

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Provided that any person interest in the said land may, within 21 days from the date of this notification, object to the laying of the pipeline under the land to the Competent Authority, Gas Authority of India Ltd., 30, Krishna Nagar, Bharatpur (Raj.).

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal practitioner.

SCHEDULE

H.B.J. UPGRADATION GAS PIPE LINE VIJAYPUR TO DADRI

Name of Vill.—Rampur, Teh.—Baseri, Dist.—Dholpur

S. No.	Name of Village	Khasra No.	Old Area		New Area	
			Hc. Ayar	Sq. M.	Hec. Ayar	Sq. M.
1.	2.	3.	4.	5.	6.	7.
1.	Rampur	693	—	—	—	1 50

SCHEDULE
H.B.J. UPGRADATION GAS PIPE LINE VIJAYPUR TO DADRI
 Name of Village—Baseri II Teh.—Baseri Dist.—Dholpur

S. No.	Name of Vill. & Tehsil	Khasra No.	Old Area			New Area		
			Hec.	Ayar	Sq. M.	Hec.	Ayar	Sq. M.
1	2	3	4	5	6	7	8	9
1	Baseri II Teh. Baseri	2663	—	—	30	—	—	—
		2662	—	20	70	—	21	00
		2664	—	2	40	—	—	—
		2708	—	23	40	—	19	00
		2709	—	16	20	—	15	70
		2746	—	3	60	—	5	00
		2748	—	2	40	—	4	20
		2749	—	18	00	—	14	80
		2719	—	—	—	—	0	50
		2720	—	—	—	—	1	60
		2721	—	—	—	—	1	80
		2722	—	—	—	—	1	00
		12		87	00		84	60

[No. L-14016/6/94-GP]
 ARDHENDU SEN, Director

नई दिल्ली, 17 अक्टूबर, 1996

का.भा. 3042—चूंकि केन्द्रीय सरकार को यह प्रतीत होता है कि जनहित में यह आवश्यक है कि एच बी जे अपग्रेडेशन पाइपलाइन प्रोजेक्ट, विजयपुर से दादरी राजस्थान राज्य तक पेट्रोलियम और प्राकृतिक गैस के परिवहन के लिये पाइपलाइन गैस अथारिटी आफ इंडिया लिमिटेड द्वारा बिछाई जानी चाहिये।

और चूंकि यह प्रतीत होता है कि ऐसी लाईन को बिछाने के प्रयोजन के लिये एतदुपाय अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है।

अतः, अब, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार उक्त उपयोग का अधिकार अर्जित करने का अपना आशय एतद्वारा घोषित करती है।

बगलें कि उक्त भूमि में हितबद्ध कोई व्यक्ति, उस भूमि के नीचे पाइपलाइन बिछाने के लिये आक्षेप सुझाव प्राधिकारी, गैस अथारिटी आफ इंडिया लिमिटेड 30, कृष्णा नगर, भरतपुर (राजस्थान) को इस अभिसूचना की तारीख से 21 दिनों के भीतर कर सकेगा।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिर्दिष्ट: यह भी कथन करेगा कि क्या वह चाहता है कि उसकी सुनवाई व्यक्तिगत हो या किसी विधि व्यवसायी की माफ़त।

अनुसूची

एच.बी.जे. अपग्रेडेशन गैस पाइपलाइन विजयपुर से दादरी

ग्राम का नाम—इबाहीमपुर, तहसील—वाडी, जिला—धौलपुर

क्र.सं.	गांव का नाम व तहसील	खसरा नं.	पुराना रकबा			नया रकबा		
			है.	ऐयर	वर्ग मी.	है.	ऐयर	वर्ग मी.
1.	इबाहीमपुर तह. वाडी	76	—	34	41	—	35	97

अनुसूची

ग्राम : सेपरपाली तहसील : बाडी जिला : धौलपुर

एच.बी.जे. अपग्रेडेशन गैस पाइप लाइन (सी.पी. 70 से सी.पी. 72 ए सी.पी. 88 से सी.पी. 90)

पुरानी स्थिति

नई स्थिति

ग्राम का नाम	खसरा नं.	क्षेत्रफल		खसरा नं.	क्षेत्रफल	
	हेक्.	एयर	वर्ग मी.	हेक्.	एयर	वर्ग मी.
सेपरपाली तहसील	103	13	80	30	74	10
बाडी जिला	814	11	40	820	3	0
धौलपुर	815	3	90	821	19	50
(राजस्थान)	816	10	50	822	19	20
	817	0	60	823	4	80
	818	0	30	824		90
	819	3	0	825	17	40
	821	19	20	826	6	60
	838	43	50	838	13	90
	898	24	90	898	5	10
	1143	16	80	1143	25	50
	1145	1	80	1145	69	0
	1147	6	60			
योग	13	2	76	30	12	2
						61
						0

[स. एल.-14016/6/94-जी. बी.]

अर्घेन्दु सेन, निदेशक

New Delhi, the 17th October, 1996

S.O. No. 3042.—whereas it appears to the Central Government that it is necessary in the public interest that for the transport of Petroleum and Natural Gas from HBJ upgradation Pipeline Project Vijaypur to Dadri in Rajasthan State pipeline should be laid by the Gas Authority of India Ltd.

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire the right of user in the land described in the schedule annexed hereto;

Now, therefore, in exercise of the powers conferred by sub-section(1) of the Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Provided that any person interest in the said land may, within 21 days from the date of this notification, object to the laying of the pipeline under the land to the Competent Authority, Gas Authority of India Ltd., 38, Krishna Nagar, Bharatpur (Raj.).

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal practitioner.

SCHEDULE

H.B.J. UPGRADATION GAS PIPE LINE VIJAYPUR TO DADRI

Name of village : Ibrahimpur Teh. : Bari Dist. : Dholpur

S. Name of Village Khasra No.			Old Area			New Area		
No. with Tehsil			Hec.	Ayer	M.Sq.	Hec.	Ayer	M. Sq.
1	2	3	4	5	6	7	8	9
*1 Ibrahimpur Teh.		76	—	34	41	—	35	91
Bari								

SCHEDULE

Village : Severpali Teh. Bari Distt. Dhoulpur (Raj.)

HBJ UPGRADE GAS PIPELINE C.P. 70 TO CP72A TO CP88 TO CP90

Name of Village	Khasra No.	Old Position			New Position			
		Area			Khasra No.	Area		
		HTR	AYAR	Qr. Mtr.		HTR	AYAR	Qr. Mtr.
1	2	3	4	5	6	7	8	9
Sever Pali, Tehsil—Bari	103		13	80	30		74	10
Distt.—Dhoulpur (Raj.)	814		11	40	820		3	0
	815		3	90	821		19	30
	816		10	50	822		19	20
	817		0	60	823		4	80
	818		0	30	824			90
	819		3	0	825		17	40
	821		19	20	826		6	60
	838		43	50	838		15	90
	898		24	90	898		5	10
	1143		16	80	1143		25	50
	1145	1	21	30	1145		69	0
	1147		6	60				
Total	13	2	76	30	12	2	61	0

[No. L-14016/6/94-G.P.]
ARDHENDU SEN, Director

नई दिल्ली, 17 अक्टूबर, 1996

का.भा. संख्या 3043—चूंकि केन्द्रीय सरकार को यह प्रतीत होता है कि अनहित में यह आवश्यक है कि एच.बी.जे. अपग्रेडेशन पाइप लाइन प्रोजेक्ट, विजयपुर से दाबरी राजस्थान राज्य तक पेट्रोलियम और प्राकृतिक गैस के परिवहन के लिए पाइपलाइन गैस अथोरिटी ऑफ इंडिया लिमिटेड द्वारा बिछाई जानी चाहिए।

और चूंकि यह प्रतीत होता है कि ऐसी लाईन को बिछाने के प्रयोजन के लिए एतदुपाय अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है।

अतः, अब पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार उसमें उपयोग का अधिकार अर्जित करने का अपना आशय एतद्वारा घोषित करती है।

वशातः कि उक्त भूमि में हितबद्ध कोई व्यक्ति, उस भूमि के नीचे पाइपलाइन बिछाने के लिए आक्षेप सूचन प्रधिकारी गैस अथोरिटी ऑफ इंडिया लिमिटेड, 30 कृष्णा नगर भरतपुर (राजस्थान) को इस अधिसूचना की तारीख से 21 दिनों के भीतर कर सकेगा।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिर्दिष्ट: यह भी कथन करेगा कि क्या वह चाहता है कि उसकी सुनवाई व्यक्तिगत हो या किसी विधि व्यवसायी की भाँति।

[एल-14016/6/94-जी पी]
अर्धेन्दु सेन, निदेशक

अनुसूची

एच.बी.जे. अपग्रेडेशन गैस पाइपलाइन

ग्राम सांतखूख /रारह तहसील, कुम्हेर जिला, भारतपुर

नई स्थिति

ग्राम का नाम	क्षेत्रफल खसरा नं.	क्षेत्रफल		
		हेक्.	एयर	वर्ग मी.
सांतखूख तह. -	1994	0	2	0
कुम्हेर जिला -				
भारतपुराएरह				
तह. कुम्हेर				
(भारतपुर)	2286	0	21	40
योग	2	0	23	50

[सं. एल. - 14016/6/94-जी बी]

अर्धेन्दु सेन, निदेशक

New Delhi, the 17th October, 1996

S.O. 3043.- Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of Petroleum and Natural Gas from HBJ upgradation Pipeline Project Vijaipur to Dadri in Rajasthan State pipeline should be laid by the Gas Authority of India Ltd.

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire the right of user in the land described in the schedule annexed hereto:

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the Land) Act 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein:

Provided that any person interest in the said land may, within 21 days from the date of this notification, object to the laying of the pipeline under the land to the Competent Authority, Gas Authority of India Ltd., 30, Krishna Nagar, Bharatpur (Raj.).

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal practitioner

SCHEDULE

Village : Santrookh/Rareh Teh. Kumher Distt. : Bharatpur (Rajasthan)

HBJ Upgradation Gas Pipeline
New Position

Name of Village	Khasra No.	Area		
		Htr.	Ayar	Qr.Mtr.
Santrookh	1994	0	2	0
Teh : Kumher				
Distt. : Bharatpur				
Rareh	2286	0	21	40
Teh : Kumher				
Distt. : Bharatpur				
Total	2	0	23	40

[No. L-14016/6/94-GP.]

ARDHENDU SEN, Director

नई दिल्ली, 17 अक्टूबर, 1996

का.आ. 3044.- पेट्रोलियम और खनिज पाइपलाइन (भूमि के उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) की धारा-3 की उपधारा (1) के अन्तर्गत पेट्रोलियम और प्राकृतिक गैस मंत्रालय के का.आ. संख्या 2082 दिनांक 27-6-96 द्वारा भारत सरकार की अधिसूचना द्वारा केन्द्रीय सरकार ने पाइपलाइन बिछाने के प्रयोजन से उक्त अधिसूचना के साथ संलग्न अनुसूची में वर्णित भूमि के उपयोग का अधिकार अर्जित करने संबंधी अपने आशय की घोषणा की थी।

और सक्षम प्राधिकारी ने उक्त अधिनियम की धारा-6 की उपधारा (i) के तहत अपनी रिपोर्ट सरकार को प्रस्तुत कर दी थी।

और यह कि चूंकि केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना में उपाबद्ध अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करने का निर्णय लिया है।

अतः अब, केन्द्रीय सरकार एतद्वारा उक्त अधिनियम की धारा-6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का उपयोग करते हुए घोषणा करती है कि इस अधिसूचना में उपाययुक्त अनुसूची में वर्णित उक्त भूमि में उपयोग के अधिकार का अर्जन एतद्वारा पाइपलाइन बिछाने के लिये किया है।

और उनके अतिरिक्त उक्त धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार निर्देश देती है कि उक्त भूमि में उपयोग का अधिकार इस अधिसूचना के प्रकाशन की तारीख से केन्द्रीय सरकार के स्थान पर सर्वाधिकारों से मुक्त गैस अथारिटी ऑफ इंडिया लिमिटेड में निहित होगा।

अनुसूची

पृष्ठ संख्या 01

पाइपलाइन परियोजना अग्रतला डोम एवं कोनावन में नीपको पावर (प्लांट (तृतीय चरण)

जिला	तहसील	गांव	प्लाट संख्या	क्षेत्रफल एकड़	टिप्पणी
पश्चिम त्रिपुरा	देवीपुर	कोनावन	893	0.01	रोड
			894	0.16	
			895	0.10	
			898	0.02	
			892	0.02	
			940	0.20	
			943	0.04	
			945	0.01	
			946	0.01	
			948	0.01	
			758	0.01	
			757	0.01	
			722	0.03	
			721	0.33	
			720	0.04	
			718	0.08	
			717	0.01	
			719	0.10	
			728	0.02	
			653	0.03	
			650	0.05	
			651	0.08	
			648	0.04	
			647	0.02	
			649	0.10	
			713	0.04	
			639	0.10	
			712	0.26	
			711	0.01	
			671	0.08	
			670	0.04	
			672	0.01	
			790	0.04	
			674	0.26	

जिला	तहसील	गांव	प्लॉट संख्या	क्षेत्रफल एकड़	टिप्पणी
पश्चिम त्रिपुरा	देवीपुर	कोनावन	675	0.22	
			962	0.32	
			963	0.08	
			978	0.12	
			961	0.02	
			985	0.14	
			984	0.20	
			982	0.02	
			981	0.24	
			980	0.01	
			995	0.16	
			996	0.02	
			997	0.05	
			998	0.07	
			999	0.08	
			1000	0.05	
			1007	0.04	
			1008	0.05	
			1012	0.08	
			1013	0.22	
			1015	0.10	
			1006	0.01	
			1016	0.01	
			1017	0.01	
			994	0.34	
			993	0.09	
			1076	0.10	
			1077	0.15	
			1078	0.12	
			1079	0.16	
			1080	0.48	
			1090	0.05	
			1081	0.06	
			1075	0.20	
			1086	0.01	
			1088	0.45	
			1320	0.28	
			1319	0.01	
			1318	0.03	
			1317	0.01	
			1167	0.32	रोड
			1361	0.15	
			1315	0.20	
			1170	0.10	
			1168	0.10	
			1073	0.03	
			1557	0.01	
			2269	0.01	

जिला	तहसील	गांव	प्लॉट संख्या	क्षेत्रफल एकड़	टिप्पणी
पश्चिम सिपुरा	देवीपुर	कोतावन	1558	0.12	
			1592	0.22	
			1647	0.04	रोड
			2326	0.04	पी. डब्ल्यू. डो०
			1588	0.06	
			1599	0.02	
			1596	0.32	
			2247	0.08	
			1605	0.09	
			1606	0.08	
			1607	0.03	
			1615	0.04	
			1614	0.08	
			1616	0.02	
			1624	0.01	
			1625	0.08	
			1626	0.06	
			1613	0.18	
			1538	0.02	
			1542	0.14	
			1539	0.04	
			1540	0.10	
			1541	0.02	
			1464	0.10	
			1465	0.15	
			2242	0.04	
			1466	0.10	
			1467	0.14	
			1463	0.12	
			1462	0.04	
			1459	0.02	
			1468	0.09	
			1453	0.14	
			1469	0.04	
			1454	0.02	
			1452	0.14	
			1380	0.14	
			1381	0.03	
			1379	0.03	
			1378	0.05	
			1377	0.30	
			1376	0.22	
			1363	0.14	
			1563	0.01	
			1589	0.12	

New Delhi, the 17th October, 1996

S.O. 3044.—Whereas by notification of the Government of India in the Ministry of Petroleum and Natural Gas, S.O. No. 2082 dated 27-6-96 under sub-section (I) of Section 3 of the Petroleum and Minerals Pipeline (Acquisition of Right of User in land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for the purpose of laying pipeline;

And whereas the Competent Authority has under Sub-Section (I) of Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report decided to acquire the right of user in the lands specified in the schedule appended to this notification;

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said land specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of power conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands that instead of vesting in Central Government vests on this date of the publication of this declaration in the Gas Authority of India Ltd. free from all encumbrances.

SCHEDULE

Pipeline Project : Agartala Dome and Konaban to Neepeco Power Plant (3rd Phase)

District	Tehsil	Village	Plot Number	Area (In Acres)	Remarks
1	2	3	4	5	6
West Tripura	Debipur	Konaban	983	0.01	Road
			894	0.16	
			895	0.10	
			898	0.02	
			892	0.02	
			940	0.20	
			943	0.04	
			945	0.01	
			946	0.01	
			948	0.01	
			758	0.01	
			757	0.01	
			722	0.03	
			721	0.03	
			720	0.04	
			718	0.08	
			717	0.01	
			719	0.10	
			728	0.02	
			653	0.03	
			650	0.05	
			651	0.08	
			648	0.04	
			647	0.02	
			649	0.10	
			713	0.04	
			639	0.10	
			712	0.26	
			711	0.01	

1	2	3	4	5	6
West Tripura	Debipur	Konaban	671	0.08	
			670	0.04	
			672	0.01	
			790	0.04	
			674	0.26	
			675	0.22	
			962	0.32	
			963	0.08	
			978	0.12	
			961	0.02	
			985	0.14	
			984	0.20	
			982	0.02	
			981	0.24	
			980	0.01	
			995	0.16	
			996	0.02	
			997	0.05	
			998	0.07	
			999	0.08	
			1000	0.05	
			1007	0.04	
			1008	0.05	
			1012	0.08	
			1013	0.22	
			1015	0.10	
			1006	0.01	
			1016	0.01	
			1017	0.01	
			994	0.34	
			993	0.09	
			1076	0.10	
			1077	0.15	
			1078	0.12	
			1079	0.16	
			1080	0.48	
			1090	0.05	
			1081	0.06	
			1075	0.20	
			1086	0.01	
			1088	0.45	
			1320	0.28	
			1319	0.01	
			1318	0.03	
			1317	0.01	
			1167	0.32	
			1361	0.15	
			1315	0.20	
			1170	0.10	
			1168	1.10	
			1073	0.03	
			1557	0.01	
			2269	0.01	
			1558	0.12	
			1592	0.22	

1	2	3	4	5	6
West Tripura	Debipur	Konaban	1647	0.04	Road
			2326	0.04	PWD
			1588	0.06	
			1599	0.02	
			1596	0.32	
			2247	0.08	
			1605	0.09	
			1606	0.08	
			1607	0.03	
			1615	0.04	
			1614	0.08	
			1616	0.02	
			1624	0.01	
			1625	0.08	
			1626	0.06	
			1613	0.18	
			1538	0.02	
			1542	0.14	
			1539	0.04	
			1540	0.10	
			1541	0.02	
			1464	0.10	
			1465	0.15	
			2242	0.04	
			1466	0.10	
			1467	0.14	
			1463	0.12	
			1462	0.04	
			1459	0.02	
			1468	0.09	
			1453	0.14	
			1469	0.04	
			1454	0.02	
			1452	0.14	
			1380	0.14	
			1381	0.03	
			1379	0.03	
			1378	0.05	
			1377	0.30	
			1376	0.22	
			1363	0.14	
			1563	0.01	
			1589	0.12	

[No. L-14016/03/96-GP]
ARDHENDU SEN, Director

नई दिल्ली, 17 अक्टूबर, 1996

का.आ. 3045:—पैट्रोलियम और खनिज पाइपलाइन (भूमि के उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) की धारा-3 की उपधारा (1) के अन्तर्गत पैट्रोलियम और प्राकृतिक गैस मंत्रालय के का.आ. संख्या 2083, दिनांक 27-6-96 द्वारा भारत सरकार की अधिसूचना द्वारा केन्द्रीय सरकार ने पाइपलाइन विधान के प्रयोज

से उक्त अधिसूचना के साथ संलग्न अनुसूची में वर्णित भूमि के उपयोग का अधिकार अर्जित करने संबंधी अपने आशय की घोषणा की थी।

श्रीर सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (i) के तहत अपनी रिपोर्ट सरकार को प्रस्तुत कर दी थी।

श्रीर यह कि चूंकि केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना में उपाबद्ध अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करने का निर्णय लिया है।

अतः अब, केन्द्रीय सरकार एतद्वारा उक्त अधिनियम की धारा-6 की उपधारा (i) द्वारा प्रदत्त शक्तियों का उपयोग करते हुए घोषणा करती है कि इस अधिसूचना में उपाबद्ध अनुसूची में वर्णित उक्त भूमि में उपयोग के अधिकार का अर्जन एतद्वारा पाईपलाईन बिछाने के लिये किया है।

श्रीर इसके अतिरिक्त उक्त धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमि में उपयोग का अधिकार इस अधिसूचना के प्रकाशन की तारीख से केन्द्रीय सरकार के स्थान पर सभी बाधाओं से मुक्त गैस अथारिटी ऑफ इंडिया लिमिटेड में निहित होगा।

अनुसूची

पृष्ठ संख्या-01

पाइपलाइन परियोजना : अजरतला डोम एव कोनावन गैस नीपको पावर प्लांट (तृतीय चरण)

जिला	तहसील	गांव	प्लांट संख्या	क्षेत्रफल (एकड़)	टिप्पणी
पश्चिम त्रिपुरा	विक्रम नगर	विक्रम नगर	6062	0.16 रोड सड़क	
			6061	0.05	
			659	0.05	
			658	0.21	
			657	0.22	
			655	0.10	
			656	0.08	
			650	0.10	
			689	0.05	
			651	0.01 नाला	
			652	0.01	
			439	0.04	
			6235	0.02	
			649	0.04	
			691	0.01	
			648	0.04	
			434	0.05 नाला	
			647	0.51	
			440	0.12	
			446	0.10	
			445	0.03	
			447	0.06	
			444	0.01 रोड	
			449	0.15	
			448	0.51	
			451	0.01	
			453	0.04	

1	2	3	4	5	6
पश्चिम खिपुरा	विक्रम नगर	विक्रम नगर	454	0.08	
			455	0.01	
			450	0.04	
			458	0.11	
			459	0.05	
			460	0.12	
			463	0.01	
			461	0.05	
			462	0.14	
			473	0.13	
			626	0.01	
			475	0.08	
			474	0.22	
			476	0.05	
			482	0.07	
			483	0.05	
			485	0.06	
			487	0.10	
			491	0.08	
			492	0.09	
			496	0.10	
			499	0.05	
			500	0.03	
			501	0.03	
			502	0.04	
			508	5.10	
			512	0.18	
			516	0.09	
			518	0.12	
			519	0.14	
			520	0.16	
			521	0.02	
			524	0.09	
			525	0.15	
			526	0.02	
			527	0.02	
			543	0.01	
			528	0.06	
			529	0.10	
			535	0.01	
			534	0.04	
			531	0.01	
			533	0.06	
			552	0.07	
			551	0.06	
			550	0.10	

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6026	0.18
549	0.02
560	0.12
561	0.01

[सं. एल-14016/03/96-जी पी]

अर्धेन्द्र सेन, निदेशक

New Delhi, the 17th October, 1996

S.O. 3045 .—Whereas by notification of the Government of India in the Ministry of Petroleum and Natural Gas, S.O. No. 2083 dated 27-6-96 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipeline Acquisition of Right of User in land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for the purpose of laying pipeline;

And whereas the Competent Authority has under Sub-section (I) of Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report decided to acquire the right of user in the lands specified in the schedule appended to this notification;

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said land specified in the schedule appended to his notification hereby acquired for laying the pipeline;

And further in exercise of power conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Gas Authority of India Ltd. free from all encumbrances.

SCHEDULE

Pipeline Project : Agartala Dome and Konaban to Neepto Power Plant (3rd Phase)

District	Tehsil	Village	Plot	Area (In Acres)	Remarks
1	2	3	4	5	6
West Tripura	Bikramnagar	Bikramnagar	6062	0.16	
			6061	0.05	
			659	0.05	Road
			658	0.21	
			657	0.22	
			655	0.10	
			656	0.08	
			650	0.10	
			689	0.05	
			651	0.01	Nala
			652	0.01	
			439	0.04	
			6235	0.02	
			649	0.04	
			691	0.01	
			648	0.04	
			434	0.05	Nala

1	2	3	4	5	6	7
West Tripura	Bikramnagar	Bikramnagar				
			647		0.01	
			440		0.12	
			446		0.10	
			445		0.03	
			447		0.06	
			444		0.01	Road
			449		0.15	
			448		0.01	
			451		0.01	
			453		0.04	
			454		0.08	
			455		0.01	
			450		0.04	
			458		0.11	
			459		0.05	
			460		0.12	
			463		0.01	
			461		0.05	
			462		0.14	
			473		0.13	
			626		0.01	
			475		0.08	Nala
			474		0.22	
			476		0.05	
			482		0.07	
			483		0.05	
			485		0.06	
			487		0.10	
			491		0.08	
			492		0.09	
			496		0.10	
			499		0.05	
			500		0.03	
			501		0.03	
			502		0.04	
			508		0.10	
			512		0.18	
			516		0.09	
			518		0.12	
			519		0.14	
			520		0.16	
			521		0.02	
			524		0.09	
			525		0.15	
			526		0.02	
			527		0.02	
			543		0.01	Nala
			528		0.06	
			529		0.10	
			535		0.01	
			534		0.04	
			531		0.01	
			533		0.06	
			552		0.07	

1	2	3	4	5	6
			551	0.06	
			550	0.10	
			6026	0.18	
			549	0.02	
			560	0.12	
			561	0.01	

[No. L-14016/03/96-GP]
ARDHENDU SEN, Director

नई दिल्ली, 17 अक्टूबर, 1996

का. आ. 3046 :—पेट्रोलियम और खनिज पाइप लाइन (भूमि के उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा-3 की उपधारा (1) के अंतर्गत पेट्रोलियम और प्राकृतिक गैस मंत्रालय के का. आ. संख्या 2084, दिनांक 27-6-96 द्वारा भारत सरकार की अधिसूचना द्वारा केन्द्रीय सरकार ने पाइपलाइन बिछाने के प्रयोजन से उक्त अधिसूचना के साथ संलग्न अनुसूची में वर्णित भूमि के उपयोग का अधिकार अर्जित करने संबंधी अपने आशय की घोषणा की थी।

और संक्षेप प्राधिकारी ने उक्त अधिनियम की धारा-6 की उपधारा (1) के तहत अपनी रिपोर्ट सरकार को प्रस्तुत कर दी थी।

और यह कि चूंकि केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना में उपावद्ध अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करने का निर्णय लिया है।

अतः अब, केन्द्रीय सरकार एतद्वारा उक्त अधिनियम की धारा-6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का उपयोग करते हुए घोषणा करती है कि इस अधिसूचना में उपावद्ध अनुसूची में वर्णित उक्त भूमि में उपयोग के अधिकार का अर्जन एतद्वारा पाइपलाइन बिछाने के लिए किया है।

और इसके अतिरिक्त उक्त धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमि में उपयोग का अधिकार इस अधिसूचना के प्रकाशन की तारीख से केन्द्रीय सरकार के स्थान पर सभी बाधाओं से मुक्त गैस अथॉरिटी ऑफ इंडिया लिमिटेड में निहित होगा।

अनुसूची

पाइपलाइन परियोजना : अगरतला डोम एवं कोनावन से मीपको पावर प्लांट (तृतीय चरण)

जिला	तहसील	गांव	प्लॉट संख्या	क्षेत्रफल एकड़	टिप्पणी
पश्चिम त्रिपुरा	मेसहा चन्द्र नगर	पन्डब पुर	6892	0.11	नाका
			6887	0.14	
			6046	0.05	
			6047	0.01	
			6045	0.04	
			6044	0.04	
			6048	0.05	
			6052	0.06	
			6053	0.01	
			8996	0.12	
			6013	0.18	
			5981	0.13	
			5982	0.01	

जिला	तहसील	गांव	प्लॉट संख्या	क्षेत्रफल (एकड़)	टिप्पणी
पश्चिम त्रिपुरा	तेहल बन्दर नगर	पन्डवपुर	5980	0.12	नासा
			5972	0.15	
			5966	0.01	
			5967	0.03	
			5971	0.07	
			5970	0.14	
			5957	0.08	
			5956	0.07	
			5955	0.01	
			5947	0.08	
			5946	0.05	
			5943	0.04	
			5944	0.03	
			5942	0.08	
			5940	0.03	
			5938	0.02	
			5939	0.01	
			5937	0.01	
			5936	0.01	
			5935	0.01	
			5933	0.01	
			5932	0.05	
			5931	0.01	
			5830	0.08	
			5829	0.04	
			5831	0.12	
			5832	0.12	
			5811	0.02	
			5819	0.12	
			5812	0.12	
			5813	0.18	
			5814	0.07	
			5815	0.02	
			5789	0.02	
			5790	0.05	
			8991	0.23	
			5783	0.01	
			5784	0.05	
			5779	0.01	
			5780	0.08	
			5782	0.02	
			5735	0.03	
			5729	0.08	रोड
			6234	0.11	
			6232	0.01	
			8712	0.02	
			6235	0.07	

जिला	तहसील	गांव	प्लॉट संख्या	क्षेत्रफल (एकड़)	टिप्पणी
पश्चिम त्रिपुरा	नेहाल चन्द्र नगर	पन्डवपुर	6236	0.03	
			6237	0.04	नाला
			6346	0.02	
			6244	0.01	
			6347	0.18	
			6345	0.01	
			6351	0.03	
			6352	0.01	
			6350	0.07	
			6358	0.10	
			6359	0.08	
			6362	0.05	
			6516	0.12	
			6517	0.16	
			6518	0.14	
			6500	0.06	नाला
			6501	0.10	
			6499	0.02	
			6363	0.14	
			6364	0.02	
			6365	0.01	
			8826	0.02	
			6377	0.10	
			6376	0.10	
			6381	0.04	नाला
			6375	0.09	
			6380	0.08	
			6382	0.14	
			6383	0.01	
			6384	0.05	
			6385	0.03	
			6386	0.01	
			6628	0.05	
			6627	0.14	
			6626	0.10	
			6624	0.10	
			6618	0.05	
			6619	0.02	
			6622	0.14	
			6620	0.01	
			6621	0.12	
			6545	0.10	
			6462	0.05	
			6544	0.10	
			6542	0.26	
			8263	0.02	
			6539	0.18	
			6535	0.01	

जिला	तहसील	गांव	प्लॉट संख्या	क्षेत्रफल (एकड़)	टिप्पणी
पश्चिम त्रिपुरा	नेहाल अन्न नगर	पन्डवपुर	6538	0.20	
			8262	0.14	
			6530	0.04	रोड
			6513	0.13	
			6520	0.08	
			6515	0.06	
			3878	0.28	
			3884	0.01	
			3885	0.03	
			3883	0.02	
			3881	0.07	
			3882	0.04	
			8281	0.05	
			3897	0.22	
			3898	0.02	
			3918	0.02	
			3919	0.01	
			3917	0.12	
			3916	0.01	
			3921	0.12	
			3856	0.04	
			3855	0.04	
			3848	0.02	
			3851	0.04	
			3852	0.01	
			3853	0.02	
			3854	0.10	
			3777	0.04	
			3832	0.01	
			3836	0.01	
			3830	0.10	
			3831	0.04	
			3799	0.02	
			3829	0.01	
			3798	0.05	
			3800	0.12	
			3796	0.01	
			3801	0.14	
			3794	0.01	
			3802	0.04	
			3713	0.04	
			8358	0.01	
			3714	0.05	
			3720	0.02	
			3716	0.04	
			3715	0.04	

जिला	तहसील	गांव	प्लॉट सं.	क्षेत्रफल (एकड़)	टिप्पणी
पश्चिम त्रिपुरा	तेहलबन्धन नगर	पन्ध्रबपुर	3711	0.06	
			3721	0.01	
			3707	0.02	
			3708	0.01	
			3710	0.05	
			8681	0.04	
			3684	0.08	
			3685	0.10	
			3700	0.01	
			3699	0.01	
			3686	0.13	
			3695	0.01	
			3694	0.22	
			3652	0.04	
			3693	0.01	
			3655	0.05	
			3656	0.02	
			3654	0.12	
			3584	0.08	
			3585	0.08	
			3586	0.07	
			3587	0.07	
			3579	0.02	
			3577	0.07	
			3578	0.05	
			4436	0.04	माला
			4438	0.18	
			4439	0.02	
			4437	0.01	
			4444	0.10	
			4445	0.09	
			4449	0.12	
			4448	0.18	
			3393	0.22	
			3392	0.02	
			3391	0.08	
			3389	0.10	
			3385	0.20	
			3387	0.25	
			3388	0.01	
			3374	0.10	
			3373	0.10	
			3372	0.06	
			3371	0.07	
			3404	0.13	
			3370	0.01	
			3369	0.12	

जिला	तहसील	गाँव	प्लॉट संख्या	क्षेत्रफल (एकड़)	टिप्पणी
पश्चिम त्रिपुरा	नेहाल चन्द्रनगर	पन्डबपुर	3405	0.02	
			3415	0.04	
			3416	0.02	
			3368	0.16	
			3417	0.01	
			3367	0.15	
			3366	0.02	
			3363	0.05	
			3361	0.04	
			3360	0.04	
			3358	0.10	
			3357	0.10	
			3356	0.14	
			8884	0.01	
			3353	0.10	
			3352	0.04	
			3424	0.07	
			3348	0.01	
			3346	0.03	न(स)
			3341	0.10	
			3345	0.01	
			3342	0.01	
			3338	0.12	
			3339	0.10	
			3337	0.06	
			3336	0.02	
			8553	0.01	
			3335	0.12	
			9064	0.05	
			3333	0.06	
			2670	0.01	
			9065	0.01	
			9066	0.01	
			3328	0.02	
			3330	0.05	
			3329	0.04	
			3327	0.03	
			2671	0.06	
			3322	0.05	
			3321	0.05	
			3320	0.02	
			2672	0.08	
			3318	0.01	
			3319	0.01	
			9068	0.08	
			2673	0.06	

जिला	तहसील	गांव	प्लॉट संख्या	क्षेत्रफल एकड़	टिप्पणी
पश्चिम त्रिपुरा	नेहालचन्द्रनगर	पन्डबपुर	9069	0.03..	रोड (पी. डब्ल्यू.डी.)
			3446	0.03	रोड
			3314	0.20	
			3311	0.02	
			3313	0.01	
			3309	0.10	
			3308	0.06	
			3307	0.20	
			3451	0.51	

[सं. एन—14016/03/96—जी पी]

अर्चेंदु सेन, निदेशक

New Delhi, the 17th October, 1996

S.O. 3046. —Whereas by notification of the Government of India in the Ministry of Petroleum and Natural Gas, S.O. No. 2084 dated 27-6-96 under sub-section (I) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for the purpose of laying pipeline;

And whereas the Competent Authority has under Sub-Section (I) of Section 6 of the said Act, submitted report to the government;

And further whereas the Central Government has, after considering the said report decided to acquire the right of user in the lands specified in the schedule appended to this notification;

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said land specified in the schedule appended to this notification hereby acquired for laying the pipeline:

And further in exercise of power conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Gas Authority of India Ltd. free from all encumbrances.

SCHEDULE

Pipeline Project : Agartala Dome and Konaban to NEEPCO Power Plant (3rd Phase)

District	Tehsil	Village	Plot No.	Area (In Acres)	Remarks
1	2	3	4	5	6
West Tripura	Nehalchandranagar	Pandabpur	6892	0.11	Nala
			6887	0.14	
			6046	0.05	
			6047	0.01	
			6045	0.04	
			6044	0.04	
			6048	0.05	
			6052	0.06	

1	2	3	4	5	6
West Tripura	Nehalchandranagar	Pandabpur	6053	0.01	
			8996	0.12	
			6013	0.18	
			5981	0.13	
			5982	0.01	
			5980	0.12	
			5972	0.15	
			5966	0.01	
			5967	0.03	
			5971	0.07	
			5970	0.14	
			5957	0.08	
			5956	0.07	
			5955	0.01	
			5947	0.08	
			5946	0.05	
			5943	0.04	
			5944	0.03	
			5942	0.08	
			5940	0.03	
			5938	0.02	
			5939	0.01	
			5937	0.01	
			5936	0.01	
			5935	0.01	
			5933	0.01	
			5932	0.05	
			5931	0.01	
			5830	0.08	
			5829	0.04	
			5831	0.12	
			5832	0.12	
			5811	0.02	
			5819	0.12	
			5812	0.12	
			5813	0.18	
			5814	0.07	
			5815	0.02	
			5789	0.02	
			5790	0.05	
			8991	0.23	
			5783	0.01	
			5784	0.05	
			5779	0.01	
			5780	0.08	
			5782	0.02	
			5735	0.03	
			5729	0.08	Road
			6234	0.11	
			6232	0.01	
			8712	0.02	
			6235	0.07	
			6236	0.03	
			6237	0.04	Nala

1	2	3	4	5	6
West Tripura	Nehalchandranagar	Pandabpur	6346	0.02	
			6244	0.01	
			6347	0.18	
			6345	0.01	
			6351	0.03	
			6352	0.01	
			6350	0.07	
			6358	0.10	
			6359	0.08	
			6362	0.05	
			6516	0.12	
			6517	0.16	
			6518	0.14	
			6500	0.06	Nala
			6501	0.10	
			6499	0.02	
			6363	0.14	
			6364	0.02	
			6365	0.01	
			8826	0.02	
			6377	0.10	
			6376	0.10	
			6381	0.04	Nala
			6375	0.09	
			6380	0.08	
			6382	0.14	
			6383	0.01	
			6384	0.05	
			6385	0.03	
			6386	0.01	
			6628	0.05	
			6627	0.14	
			6626	0.10	
			6624	0.10	
			6618	0.05	
			6619	0.02	
			6622	0.14	
			6620	0.01	
			6621	0.12	
			6545	0.10	
			6462	0.05	
			6544	0.10	
			6542	0.26	
			8263	0.01	
			6539	0.18	
			6535	0.01	
			6538	0.20	
			8262	0.14	
			6530	0.04	Road
			6513	0.13	
			6520	0.08	
			6515	0.06	
			3878	0.28	
			3884	0.01	
			3885	0.02	

1	2	3	4	5	6
West Tripura	Nehalchandranagar	Pandabpur	3881	0.07	
			3882	0.04	
			8281	0.05	
			3897	0.22	
			3898	0.02	
			3918	0.02	
			3919	0.01	
			3917	0.12	
			3916	0.01	
			3921	0.12	
			3856	0.04	
			3855	0.04	
			3848	0.02	
			3851	0.04	
			3852	0.01	
			3853	0.02	
			3854	0.10	
			3777	0.04	
			3832	0.01	
			3836	0.01	
			3830	0.10	
			3831	0.04	
			3799	0.02	
			3829	0.01	
			3798	0.05	
			3800	0.12	
			3796	0.01	
			3801	0.14	
			3794	0.01	
			3802	0.04	
			3713	0.04	
			8358	0.01	
			3714	0.05	
			3720	0.02	
			3716	0.04	
			3715	0.04	
			3711	0.06	
			3721	0.01	
			3707	0.02	
			3708	0.01	
			3710	0.05	
			8681	0.04	
			3684	0.08	
			3685	0.10	
			3700	0.01	
			3699	0.01	
			3686	0.13	
			3695	0.01	
			3694	0.22	
			3652	0.04	
			3693	0.01	
			3655	0.05	
			3656	0.02	
			3654	0.12	
			3584	0.08	
			3585	0.08	

1	2	3	4	5	6
West Tripura	Nahalandranagar	Pandabpur	3586	0.07	
			3587	0.07	
			3579	0.02	
			3577	0.07	
			3578	0.05	
			4436	0.04	Nala
			4438	0.18	
			4439	0.02	
			4437	0.01	
			4444	0.10	
			4445	0.09	
			4449	0.12	
			4448	0.18	
			3393	0.22	
			3392	0.02	
			3391	0.08	
			3389	0.10	
			3385	0.20	
			3387	0.25	
			3388	0.01	
			3374	0.10	
			3373	0.10	
			3372	0.06	
			3371	0.07	
			3404	0.13	
			3370	0.01	
			3369	0.12	
			3405	0.02	
			3415	0.04	
			3416	0.02	
			3368	0.16	
			3417	0.01	
			3367	0.15	
			3366	0.02	
			3363	0.05	
			3361	0.04	
			3360	0.04	
			3358	0.10	
			3357	0.10	
			3356	0.14	
			8884	0.01	
			3353	0.10	
			3352	0.04	
			3424	0.07	
			3348	0.01	
			3346	0.03	Nala
			3341	0.10	
			3345	0.01	
			3342	0.04	
			3338	0.12	
			3339	0.10	
			3337	0.06	
			3336	0.02	
			8553	0.01	
			3335	0.12	

1	2	3	4	5	6
West Tripura	Nehalchandranagar	Pandabpur	9064	0.05	
			3333	0.06	
			2670	0.01	
			9065	0.01	
			9066	0.01	
			3328	0.02	
			3330	0.05	
			3329	0.04	
			3327	0.03	
			2671	0.06	
			3322	0.05	
			3321	0.05	
			3320	0.02	
			2672	0.08	
			3318	0.01	
			3319	0.01	
			9068	0.08	
			2673	0.06	
			9069	0.03	Road (PWD)
			3446	0.03	Road
			3314	0.20	
			3311	0.02	
			3313	0.01	
			3309	0.10	
			3308	0.06	
			3307	0.20	
			3451	0.01	

[No. L-14016/03/96GP]
ARDHENDU SEN, Director

सई दिल्ली, 17 अक्तूबर, 1996

का.भा. 3047 .—पेट्रोलियम और खनिज पाइप लाइन (भूमि के उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) की धारा-3 की उपधारा (1) के अंतर्गत पेट्रोलियम और प्राकृतिक गैस मंत्रालय के का.भा.संख्या 2085 दिनांक 27-6-96 द्वारा भारत सरकार की अधिसूचना द्वारा केन्द्रीय सरकार ने पाइपलाइन बिछाने के प्रयोजन से उक्त अधिसूचना के साथ संलग्न अनुसूची में वर्णित भूमि के उपयोग का अधिकार अर्जित करने संबंधी अपने आशय की घोषणा की थी।

और सक्षमे प्राधिकारी ने उक्त अधिनियम की धारा-6 की उपधारा (1) के तहत अपनी रिपोर्ट सरकार को प्रस्तुत कर दी थी।

और यह कि चूंकि केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात इस अधिसूचना में उपाबद्ध अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करने का निर्णय लिया है।

अतः अब, केन्द्रीय सरकार एतद्वारा उक्त अधिनियम की धारा-6 की उपधारा (i) द्वारा प्रदत्त शक्तियों का उपयोग करते हुए घोषणा करती है कि इस अधिसूचना में उपाबद्ध अनुसूची में वर्णित उक्त भूमि में उपयोग के अधिकार का अर्जन एतद्वारा पाइपलाइन बिछाने के लिए किया है।

और इसके अतिरिक्त उक्त धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निवेदन देती है कि उक्त भूमि में उपयोग का अधिकार इस अधिसूचना के प्रकाशन की तारीख से केन्द्रीय सरकार के स्थान पर सभी बाधाओं से मुक्त गैस अथॉरिटी ऑफ इंडिया लिमिटेड में निहित होगा।

धनुसूची

पादप लाइन परियोजना : मगरतला डेम एवं कोमान से नीपिको पावर प्लांट (तृतीय चरण)

जिला	तहसील	गांव	प्लाट संख्या	क्षेत्रफल एकड़	टिप्पणी
1	2	3	4	5	6
पश्चिम सिपुवा	मधुपुर	मधुपुर	863	0.10	
			864	0.01	
			867	0.07	
			866	0.07	
			868	0.03	
			912	0.18	
			911	0.10	
			903	0.12	
			902	0.06	
			893	0.02	
			894	0.08	
			895	0.02	
			896	0.01	
			778	0.04	
			706	0.04	
			704	0.05	
			705	0.12	
			696	0.10	
			695	0.12	
			4329	0.03	
			671	0.02	
			670	0.04	
			4326	0.04	
			676	0.05	
			688	0.05	
			682	0.04	
			684	0.04	
			685	0.01	
			616	0.03	
			989	0.12	
			988	0.06	
			1072	0.05	
			1073	0.05	
			1071	0.03	रोड़
			1001	0.06	
			1002	0.01	
			1013	0.22	
			1023	0.14	

1	2	3	4	5	6
			1022	0.04	
			1021	0.08	
			1020	0.05	
			1029	0.01	
			1019	0.03	
			1744	0.08	
			1745	0.08	
			1747	0.08	
			1761	0.08	
			1762	0.03	
			1764	0.12	
			1765	0.01	
			1766	0.01	
			1767	0.14	
			1790	0.12	
			1785	0.05	
			1786	0.08	
			1784	0.05	
			2488	0.04	रोड
			1859	0.10	
			1866	0.14	
			1867	0.01	
			2214	0.06	
			2674	0.05	
			2213	0.07	
			2212	0.12	
			2211	0.03	
			2210	0.10	
			2187	0.25	
			2207	0.10	
			2199	0.05	
			2194	0.14	
			1881	0.01	
			1882	0.01	
			2188	0.18	
			2170	0.05	
			2169	0.04	
			2168	0.03	
			2167	0.03	
			2166	0.07	
			2157	0.02	
			2156	0.06	

जिला	तहसील	गांव	प्लॉट संख्या	क्षेत्रफल एकड़	टिप्पणी
पश्चिम त्रिपुरा	मधुपुर	मधुपुर	2147	0.10	
			2144	0.06	
			2138	0.05	
			2145	0.04	
			2137	0.07	
			2136	0.07	
			2125	0.02	
			2124	0.08	
			2123	0.10	
			2119	0.03	
			2120	0.12	
			2121	0.04	
			2108	0.07	
			2107	0.04	
			2103	0.14	
			2105	0.01	
			2104	0.01	
			2102	0.10	
			2100	0.08	
			2098	0.12	
			2099	0.01	
			2063	0.14	
			2062	0.01	
			2061	0.22	
			2058	0.12	
			2060	0.01	
			2059	0.05	
			2056	0.12	
			2051	0.17	
			2052	0.04	
			3137	0.16	
			3139	0.10	
			3135	0.22	
			3141	0.01	
			3163	0.40	
			3133	0.45	
			3132	0.01	
			3125	0.25	
			3063	0.12	
			3124	0.22	
			3116	00.16	
			4277	0.05	
			3115	0.05	
			3114	0.16	
			3113	0.14	
			3111	0.01	

जिला	तहसील	गांव	प्लॉट संख्या	क्षेत्रफल	टिप्पणी
पश्चिम त्रिपुरा	मधुपुर	मधुपुर	3112	0.12	
			3086	0.14	
			3085	0.15	
			3084	0.54	
			3077	0.03	
			3076	0.04	
			3072	0.03	
			3075	0.25	
			3074	0.40	
			3073	0.06	
			3064	0.04	
			4258	0.11	
			3065	0.22	
			3071	0.14	
			4029	0.06	
			4026	0.14	
			4024	0.10	
			4022	0.08	
			4018	0.12	
			4017	0.05	
			4016	0.08	
			4015	0.07	
			4014	0.04	
			4013	0.02	
			4031	0.08	नाला
			4048	0.01	
			4066	0.10	
			4065	0.01	
			4067	0.07	
			4068	0.05	
			4069	0.02	
			4070	0.08	
			4071	0.01	
			4072	0.34	
			4075	0.10	
			4076	0.06	
			3889	0.07	
			3890	0.16	
			3891	0.06	
			3892	0.02	
			3894	0.10	
			3893	0.06	
			3897	0.34	
			3898	0.28	
			2907	0.04	
			3917	0.06	नाला
			3929	0.12	

1	2	3	4	5	6
पश्चिम तिनूरा-जारी	मधुपुर (जारी)	कैयाडेपा	3928	0.12	
			3919	0.01	
			3920	0.08	
			3921	0.03	
			3459	0.25	
			3461	0.04	नाला
			3462	0.16	
			3463	0.03	
			3464	0.13	
			3457	0.02	रोड
			3458	0.05	रोड (पी डब्ल्यू डी)
			3465	0.05	
			3466	0.03	
			3472	0.03	
			3473	0.06	रोड (पी डब्ल्यू डी)
			3474	0.04	
			3476	0.06	
			3477	0.02	
			3478	0.02	
			3479	0.18	
			3483	0.03	
			3482	0.04	
			3484	0.05	
			3490	0.08	
			3489	0.22	
			3487	0.08	रोड (पी. डब्ल्यू.डी.)
			3486	0.04	रोड (पी. डब्ल्यू.डी.)
			3488	0.16	
			1000	0.02	
			46	0.12	
			45	0.14	
			42	0.34	
			41	0.26	
			43	0.24	
			56	0.12	
			40	0.13	
			57	0.56	
			61	0.44	
			62	0.02	
			64	0.46	
			65	0.03	
			67	0.02	

1	2	3	4	5	6
पश्चिम त्रिपुरा-जारी	मधुपुर-जारी	कैयाडेपा	71	0.04	
			72	0.15	
			140	0.02	
			137	0.32	
			13	0.01	
			4832	0.01	
			152	0.14	
			153	0.58	
			154	0.25	
			155	0.03	
			156	0.24	
			157	0.12	
			162	0.18	
			163	0.14	
			164	0.18	
			170	0.14	
			175	0.06	
			176	0.08	
			177	0.10	
			180	0.16	
			182	0.32	
			183	0.12	
			194	0.08	
			195	0.08	
			207	0.01	
			196	0.08	
			198	0.14	
			200	0.06	
			199	0.10	
			4668	0.22	

[सं. एल-14016/03/96 जी पी]
अर्घेन्दु सेन, निदेशक

New Delhi, the 17th October, 1996

S.O. 3047.—Whereas by Notification of the Government of India in the Ministry of Petroleum and Natural Gas S.O. No. 1085 dated 27-6-96 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for the purpose of laying pipeline;

And whereas the Competent Authority has under Sub-Section (I) of Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report decided to acquire the right of user in the lands specified in the schedule appended to this notification;

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said land specified in the schedule appended to this notification hereby acquired for laying the pipelines;

And further in exercise of power conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Gas Authority of India Ltd. free from all encumbrances.

SCHEDULE

Pipeline Project ; Agartala Dome and Konaban to NEEPCO Power Plant (3rd Phase)

District	Tehsil	Village	Plot Number	Area (In Acres)	Remarks
West Tripura	Madhupur	Madhupur	863	0.10	
			864	0.01	
			867	0.07	
			866	0.07	
			868	0.03	
			912	0.18	
			911	0.10	
			903	0.12	
			902	0.06	
			893	0.02	
			894	0.08	
			895	0.02	
			896	0.01	
			778	0.04	Road
			706	0.04	
			704	0.05	
			705	0.12	
			696	0.10	
			695	0.12	
			4329	0.03	
			671	0.02	
			670	0.04	
			4326	0.04	
			676	0.05	
			688	0.05	
			682	0.04	
			684	0.04	
			685	0.01	
			616	0.03	Road
			989	0.12	
			988	0.06	
			1072	0.05	
			1073	0.05	
			1071	0.03	
			1001	0.06	
			1002	0.01	
			1013	0.22	
			1023	0.14	
			1022	0.04	
			1021	0.08	
			1020	0.05	
			1029	0.01	
			1019	0.03	

1	2	3	4	5	6
West Tripura (contd.)	Madhupur (contd.)	Madhupur contd.)	1744	0.08	
			1745	0.08	
			1747	0.08	
			1761	0.08	
			1762	0.03	
			1764	0.12	
			1765	0.01	
			1766	0.01	
			1767	0.14	
			1790	0.12	
			1785	0.05	
			1786	0.08	
			1784	0.05	
			2488	0.04	Road
			1859	0.10	
			1866	0.14	
			1867	0.01	
			2214	0.06	
			2674	0.06	
			2213	0.07	
			2212	0.12	
			2211	0.03	
			2210	0.10	
			2187	0.25	Nala
			2207	0.10	
			2199	0.05	
			2194	0.14	
			1881	0.01	
			1882	0.01	
			2188	0.18	
			2170	0.05	
			2169	0.04	
			2168	0.03	
			2167	0.03	
			2166	0.07	
			2157	0.02	
			2156	0.06	
			2147	0.10	
			2144	0.06	
			2138	0.05	
			2145	0.04	
			2137	0.07	
			2136	0.07	
			2125	0.02	
			2124	0.08	
			2123	0.10	
			2119	0.03	
			2120	0.12	
			2121	0.04	
			2108	0.07	
			2107	0.04	
			2103	0.14	
			2105	0.01	
			2104	0.01	

1	2	3	4	5	6
West Tripura contd	Madhupur-contd	Madhupur-contd	2102	0.10	
			2100	0.08	
			2098	0.12	
			2099	0.01	
			2063	0.14	
			2062	0.01	
			2061	0.22	
			2058	0.12	
			2060	0.01	
			2059	0.05	
			2056	0.12	
			2051	0.17	
			2052	0.04	
			3137	0.16	
			3139	0.10	
			3135	0.22	
			3141	0.01	
			3163	0.40	
			3133	0.45	
			3132	0.01	
			3125	0.25	
			3063	0.12	
			3124	0.22	
			3116	0.16	
			4277	0.05	
			3115	0.05	
			3114	0.16	
			3113	0.14	
			3111	0.01	
			3112	0.12	
			3086	0.14	
			3085	0.15	
			3084	0.54	
			3077	0.03	
			3076	0.04	
			3072	0.03	
			3075	0.25	
			3074	0.40	
			3073	0.06	
			3064	0.04	Road
			4258	0.11	
			3065	0.22	
			3071	0.14	
			4029	0.06	
			4026	0.14	
			4024	0.10	
			4022	0.08	
			4018	0.12	
			4017	0.05	
			4016	0.08	
			4015	0.07	
			4014	0.04	
			4013	0.02	
			4013	0.08	Nala

1	2	3	4	5	6
West Tripura—contd	Madhupur—contd	Madhupur—contd	4048	0.01	
			4066	0.10	
			4065	0.01	
			4067	0.07	
			4068	0.05	
			4069	0.02	
			4070	0.08	
			4071	0.01	
			4072	0.34	
			4075	0.10	
			4076	0.06	
			3889	0.07	
			3890	0.16	
			3891	0.06	
			3892	0.02	
			3894	0.10	
			3893	0.06	
			3897	0.34	
			3898	0.28	
			2907	0.04	
			3917	0.06	Nala
			3929	0.12	
			3928	0.12	
			3919	0.01	
			3920	0.18	
			3921	0.03	
			3459	0.25	
			3461	0.04	Nala
			3462	0.16	
			3463	0.03	
			3464	0.13	
			3457	0.02	Road
			3458	0.05	Road(PWD)
			3465	0.05	
			3466	0.03	
			3472	0.03	
			3473	0.06	Road(PWD)
			3474	0.04	
			3476	0.06	
			3477	0.02	
			3478	0.02	
			3479	0.18	
			3483	0.03	
			3482	0.04	
			3484	0.05	
			3490	0.08	
			3489	0.22	
			3487	0.08	Road(PWD)
			3486	0.04	Road(PWD)
			3488	0.16	
			1000	0.02	

SCHEDULE

Pipeline Project ; Agartala Dome and Konaban to NEEPCO Power Plant (3rd Phase)

District	Tehsil	Village	Plot Number	Area	Remarks
1	2	3	4	5	6
				(In acres)	
West Tripura	Madhupur	Kaiyadhepa	46	0.12	
			45	0.14	
			42	0.34	
			41	0.26	
			43	0.24	
			56	0.12	
			40	0.13	
			57	0.56	
			61	0.44	
			62	0.02	
			64	0.46	
			65	0.03	
			67	0.02	
			71	0.04	
			72	0.15	
			140	0.02	
			137	0.32	
			13	0.01	
			4832	0.01	
			152	0.14	
			153	0.58	
			154	0.25	
			155	0.03	
			156	0.24	
			157	0.12	
			162	0.18	
			163	0.14	
			164	0.18	
			170	0.14	
			175	0.06	
			176	0.08	
			177	0.10	
			180	0.16	
			182	0.32	
			183	0.12	
			194	0.08	
			195	0.08	
			207	0.01	
			196	0.08	
			198	0.14	
			200	0.06	
			199	0.10	
			4668	0.22	

[No. L-14016/03/96-GP]

ARDHENDU SEN, Director

स्वास्थ्य और परिवार कल्याण मंत्रालय

(स्वास्थ्य विभाग)

नई दिल्ली, 15 अक्टूबर, 1996

का. आ. 3048 —केन्द्रीय सरकार, दन्त-चिकित्सक अधिनियम, 1948 (1948 का 16) की धारा 10 की उपधारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारतीय दन्त चिकित्सा परिषद् में परामर्श करने के पश्चात्, उक्त अधिनियम, की अनुसूची के भाग-1 में निम्नलिखित और संशोधन करती है, अर्थात् —

उक्त अनुसूची के भाग—1 में, क्रम संख्या 41 और उससे संबंधित प्रविष्टियों के पश्चात् निम्नलिखित क्रम

संस्था और प्रविष्टियां जोड़ी जाएंगी, अर्थात् —

“42. उत्तरी बैचलर ऑफ डेंटल सर्जरी/

बंगाल विश्वविद्यालय

दार्जिलिंग

बी०डी०एम०

नार्थ बंगाल

यह अर्हता उत्तरी बंगाल डेंटल कालेज
शुश्रुतनगर की बावन मान्यता
प्राप्त डेंटल अर्हता तभी होगी
जब यह वर्ष 1994 में या
उसके पश्चात् प्रदान की गई हो।

[का. संख्या बी. 12018/1/96—पी. एम. एन.]

एच. एन. यादव, अवर सचिव

MINISTRY OF HEALTH AND FAMILY WELFARE

(Department of Health)

New Delhi, the 15th October, 1996

S.O. 3048.—In exercise of the powers conferred by sub-section (2) of section 10 of the Dentists Act, 1948 (16 of 1948), the Central Government after consulting the Dental Council of India, hereby makes the following further amendment in Part I of the Schedule to the said Act, namely:—

In Part I of the said Schedule, after number 41 and the entries relating thereto, the following serial number and entries shall be added, namely:—

“42 North Bengal University, Darjeeling.

Bachelor of Dental Surgery.

B.D.S. North Bengal.

This qualification shall be a recognised dental qualification in respect of North Bengal College, Sushratnagar when granted in or after the year 1994.

[No. V-12018/1/96-PMS]

H.N. YADAV, Under Secy.

नई दिल्ली, 17 अक्टूबर, 1996

का. आ. 3049 —केन्द्रीय सरकार, भारतीय आयु-विज्ञान परिषद् अधिनियम, 1956 (1956 का 102) की धारा 20 की उपधारा (1) के अनुसरण में तारीख 17 अक्टूबर, 1996 से स्नातकोत्तर आयुविज्ञान शिक्षा समिति का गठित करती है जो निम्नलिखित सदस्यों से मिलकर बनेगी, अर्थात् —

केन्द्रीय सरकार द्वारा नाम निर्दिष्ट

- 1 डा. केतन धीरज लाल देसाई,
आचार्य और विभागाध्यक्ष, सूत्रविज्ञान
4/8, बशिष्ठ अगर्टमेंट्स
पालीटेक्निक, अम्बवाड़ी,
अहमदाबाद—380015

- 2 डा. के. आर. शेटी
आयुविज्ञान निदेशक और हृदयाहिका सर्जन
कुम्बला हिल अस्पताल और हृदय संस्थान,
95, अगस्त्य क्रांति मार्ग, मुम्बई—400036

- 3 डा. यू. एम. सिन्हा,
आचार्य विभागाध्यक्ष, विधि चिकित्सा आयुविज्ञान
एम. एल. एन. आयुविज्ञान महाविद्यालय
इलाहाबाद।

- 4 डा. जे. राजप्पा
निदेशक, चिकित्सा शिक्षा
चेपोक, मद्रास

- 5 डा. वेद प्रकाश मिश्रा
17 पोस्टल ऑफिस कॉलोनी
राणा प्रताप नगर, नागपुर

- 6 डा. एस. एस. यादव
निदेशक,
आयुविज्ञान महाविद्यालय, रोहतक

भारतीय आयुविज्ञान परिषद् द्वारा निर्वाचित

- 1 डा. चिकन्तजप्पा
89/3, के. आर. रोड,
बसावनगुड़ी
बंगलौर-56004

2 डा. बी. पी. दुबे

विभागाध्यक्ष विधि आयुर्विज्ञान
राजकीय आयुर्विज्ञान महाविद्यालय, भोपाल

3 डा. एम. के. बसु

प्राचार्य, उत्तरी बंगाल
आयुर्विज्ञान महाविद्यालय, मिलांगुडी।

[सं. धी. -11013/6/95-एम. ई. (य. जी.)]
शरत कुमार मिश्र, डेस्क अधिकारी

MINISTRY OF HEALTH AND FAMILY WELFARE

(Department of Health)

New Delhi, the 17th October, 1996

S.O. 3049.—In pursuance of sub-section (1) of Section 29 of the Indian Medical Council Act, 1956 (102 of 1956), the Central Government hereby constitutes the Post-Graduate Medical Education Committee from 17th October, 1996 consisting of the following members, namely:—

NOMINATED BY THE CENTRAL GOVERNMENT

1. Dr. Ketan Dhrujalal Desai,
Prof. and Head of Department of Urology,
4/8, Vasishtha Apartments,
Polytechnic, Ambavadi,
Ahmedabad-380 015.
2. Dr. K. R. Shetty,
Medical Director and Cardiovascular Surgeon,
Cumbala Hill Hospital and Heart Institute,
95, August Kranti Marg,
Bombay-400 036.
3. Dr. U. S. Sinha,
Professor and Head of Forensic Medicine Department,
M. L. N. Medical College, Allahabad.
4. Dr. J. Rajappa,
Director of Medical Education,
Chepauk, Madras.
5. Dr. Ved Prakash Mishra,
17, Postal Audit Colony,
Rana Pratap Nagar, Nagpur.
6. Dr. S. S. Yadav,
Director,
Medical College, Rohtak.

ELECTED BY THE MEDICAL COUNCIL OF INDIA

1. Dr. Chikkananjappa,
88 3, K. R. Road,
Vasavanagudi, Bangalore-56004.
2. Dr. B. P. Dubey,
Head, Department of Forensic Medicine,
Government Medical College,
Bhopal.
3. Dr. S. K. Basu,
Principal,
North Bengal Medical College,
Siliguri, Assam.

[No. V-11013/6/95-ME(UG)]
S. K. MISHRA, Desk Officer

Foot note.—The principal notification was published in the Gazette of India notification No. S.O. 2877, dated the 17th October, 1991 and subsequently amended by notification No. S.O. 1252 dated 27th April, 1994 and notification dated 8th May, 1995.

कृषि मंत्रालय

(कृषि अनुसंधान तथा शिक्षा विभाग)

नई दिल्ली, 10 अक्टूबर, 1996

का. आ. 3050 —केन्द्रीय सरकार, कृषि मंत्रालय, कृषि अनुसंधान तथा शिक्षा विभाग, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उपनियम (4) के अनुसरण में एतद्वारा भारतीय कृषि अनुसंधान परिषद के राष्ट्रीय काजू अनुसंधान केन्द्र पुत्तूर जिसके 80% से अधिक कर्मचारियों ने हिन्दी का कार्यवाहक ज्ञान प्राप्त कर लिया है, को अधिसूचित करती है।

[संख्या 13-5/95-हिन्दी]

आर. पी. मरोज, अवर सचिव

MINISTRY OF AGRICULTURE

(Deptt. of Agril. Res. & Education)

New Delhi, the 10th October, 1996

S.O. 3050.—In pursuance of Sub-Rule 4 of Rule 10 of the Official Language (Use of Official purpose of the Union) Rule 1976, the Central Government, Ministry of Agriculture, Department of Agricultural Research & Education, hereby notifies the National Research Centre for Cashew, Puttur (ICAR), where more than 80 per cent of Staff have acquired the working knowledge of Hindi.

[No. 13-5/95-Hindi]

R. P. SAROI, Under Secy.

जल-भूतल परिवहन मंत्रालय

(परिवहन पक्ष)

नई दिल्ली, 18 अक्टूबर, 1996

का. आ. 3051 —गोदी कामगार (रोजगार का विनियम) नियम, 1962 के नियम 4 के उप नियम (2) के साथ पठित गोदी कामगार (रोजगार का विनियम) अधिनियम, 1948 (1948 का 9) की धारा 5 "क" की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्र सरकार, जल-भूतल परिवहन मंत्रालय, नई दिल्ली में अवर सचिव श्री के. जे. दैव्य प्रसाद को मद्रास गोदी कामगार मंडल का एक सदस्य नियुक्त करती है और भारत सरकार, जल-भूतल परिवहन मंत्रालय (परिवहन पक्ष) की अधिसूचना संख्या का. आ. 2617 दिनांक 7-9-96 में निम्नलिखित संशोधन करती है, अर्थात्:—

उक्त अधिसूचना में, "केन्द्र सरकार का प्रतिनिधित्व करने वाले सदस्य", शीर्षक के अंतर्गत क्रम सं. 3 के सामने दी गई प्रविष्टि "श्री पंकज जैन, निदेशक, जल-भूतल परिवहन मंत्रालय, नई दिल्ली"

को निम्नलिखित प्रविष्टि द्वारा प्रतिस्थापित किया जाएगा, अर्थात्:—

“श्री के. जे. दीव्य प्रसाद, अवर सचिव,
जल-भूतल परिवहन मंत्रालय नई दिल्ली”

[सं. एल बी-13014/2/94-यू. एस. (एल)]

एस. के. दरगन, अवर सचिव

MINISTRY OF SURFACE TRANSPORT
(Transport Wing)

New Delhi, the 18th October, 1996

S.O. 3051.—In exercise of powers conferred by sub-section (1) of section 5A of Dock Workers (Regulation of Employment) Act, 1948 (9 of 1948) read along with sub-rule (2) of rule 4 of the Dock Workers (Regulation of Employment) Rules, 1962, the Central Government hereby appoints Shri K. J. Dyva Prasad, Under Secretary, Ministry of Surface Transport, New Delhi, as a member of the Madras Dock Labour Board and makes the following amendment in the notification of the Government of India in the Ministry of Surface Transport (Transport Wing), No. S.O. 2617 dated 7th September, 1996, namely:—

In the said notification, under the heading “Members representing the Central Government” against serial No. 3, for the entry “Shri Pankaj Jain, Director, Ministry of Surface Transport, New Delhi”, the following entry shall be substituted, namely:—

“Shri K. J. Dyva Prasad, Under Secretary, Ministry of Surface Transport.”

[F. No. LB-13014/2/94-US(L)]

S. K. DARGAN, Under Secy.

नई दिल्ली, 18 अक्टूबर, 1996

का. आ. 3052 —गोदी कामगार (रोजगार का विनियम) नियम, 1962 के नियम 4 के उप-नियम (2) के साथ पठित गोदी कामगार (रोजगार का विनियम) अधिनियम, 1948 (1948 का 9) की धारा 5क की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार जल-भूतल परिवहन मंत्रालय में अवर सचिव, श्री डी. पी. भट्टनागर को कांडला गोदी कामगार मंडल का सदस्य नियुक्त करती है और भारत सरकार, जल-भूतल परिवहन मंत्रालय (परिवहन पक्ष) की अधिसूचना सं. का. आ. 947 (अ) दिनांक 01-12-1995 में निम्नलिखित संशोधन करती है, अर्थात्:—

उक्त अधिसूचना में “केन्द्र सरकार का प्रतिनिधित्व करने वाले सदस्य” शीर्षक के तहत क्रम सं. 2 के सामने दी गई प्रविष्टि “उप सचिव (अम), जल-भूतल परिवहन मंत्रालय, नई दिल्ली,” को निम्नलिखित प्रविष्टि द्वारा प्रतिस्थापित किया जाएगा, अर्थात्:—

“श्री डी. पी. भट्टनागर, अवर सचिव, जल-भूतल परिवहन मंत्रालय”

[सं. एल बी-13014/2/94-यू एस (एल)]

एस. के. दरगन, अवर सचिव

New Delhi, the 18th October, 1996

S.O. 3052.—In exercise of powers conferred by sub-section (1) of section 5A of Dock Workers (Regulation of Employment) Act, 1948 (9 of 1948) read along with sub-rule (2) of rule 4 of the Dock Workers (Regulation of Employment) Rules, 1962, the Central Government hereby appoints Shri D. P. Bhatnagar, Under Secretary, Ministry of Surface Transport, New Delhi, as a member of the Kandla Dock Labour Board and makes the following amendment in the notification of the Government of India in the Ministry of Surface Transport (Transport Wing) No. S.O. 947(E) dated the 1st December, 1995, namely:—

In the said notification, under the heading “Members representing the Central Government” against Serial No. 2, for the entry Deputy Secretary (Labour), Ministry of Surface Transport, New Delhi” the following entry shall be substituted, namely:—

“Shri D. P. Bhatnagar, Under Secretary, Ministry of Surface Transport, New Delhi.”

[F. No. LB-13014/2/94-US(L)]

S. K. DARGAN, Under Secy.

नागर विमानन और पर्यटन मंत्रालय

(नागर विमानन विभाग)

नई दिल्ली, 14 अक्टूबर, 1996

का. आ. 3053.—इस मंत्रालय के दिनांक 9 मई, 1996 की अधिसूचना संख्या एबी-13015/28/92-(एसीबीएल)/बी.ई. के अन्तर्गत में तथा पवन हंस लिमिटेड (पवन हंस हेलीकाप्टर्स लिमिटेड के रूप में पुनर्निर्मित) के संगम ज्ञापन तथा संगम अनुच्छेद के अनुच्छेद 38(क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, पवन हंस हेलीकाप्टर्स लि. के निदेशक मण्डल जिसमें निम्नलिखित शामिल हैं, की समयावधि तत्काल प्रभाव से दिनांक 17-7-1996 से 16-10-1996 तक बढ़ाने के लिये राष्ट्रपति की कार्योत्तर मंजूरी प्रधान की जाती है:—

1. अध्यक्ष, सह-प्रबंध निदेशक, पवन हंस हेलीकाप्टर्स लिमिटेड
2. संयुक्त सचिव तथा वित्तीय सलाहकार, नागर विमानन मंत्रालय
3. संयुक्त सचिव, नागर विमानन मंत्रालय (पवन हंस हेलीकाप्टर्स लिमिटेड के कार्य से संबंधित)
4. सदस्य (निदेशक के रूप में पुनर्निर्माणादित) (तकनीकी), तेल एवं प्राकृतिक गैस निगम।
5. निदेशक, प्रचालन, वायुसेना मुख्यालय।
6. निदेशक/उप सचिव,

नागर विमानन मंत्रालय,

(पवन हंस हेलीकाप्टर्स लिमिटेड के कार्य से संबंधित)।

[फा. सं. एबी-13015/28/92-(एसीबीएल)/बीई]

सुरेन्द्र कुमार सिंघल, अवर सचिव

MINISTRY OF CIVIL AVIATION
AND TOURISM

(Department of Civil Aviation)

New Delhi, the 14th October, 1996

S.O. 3053.—In continuation of this Ministry's notification No. AV. 13015/28/92(ACVL)/VE, dated the 9th May, 1996 and in exercise of the powers conferred by Article 38(a) of the Memorandum and Articles of Association of Pawan Hans

Limited (re-named as Pawan Hans Helicopters Limited), ex-post-facto approval of the President is accorded to the extension of the term of Board of Directors of Pawan Hans Helicopters Limited comprising the following, with effect from 17th July, 1996 to 16th October, 1996:—

- (i) Chairman-cum-managing Director, Pawan Hans Helicopters Limited.
- (ii) Joint Secretary, & Financial Adviser, Ministry of Civil Aviation.
- (iii) Joint Secretary, Ministry of Civil Aviation (dealing with Pawan Hans Helicopters Limited).
- (iv) Member (re-designated as Director), (Technical), ONGC.
- (v) Director of Operations, Air Headquarters.
- (vi) Director/Deputy Secretary, Ministry of Civil Aviation, (dealing with Pawan Hans Helicopters Limited).

[F. No. AV. 13015/28/92(ACVI.)]VE]
S. K. SINGHAL, Under Secy.

नई दिल्ली, 17 अक्टूबर, 1996

का.आ.—3054 भारतीय विमानपत्तन प्राधिकरण अधिनियम, 1994 की धारा 3 (1994 का 55) में निहित शक्तियों का निर्वाह करते हुए केन्द्र सरकार एतद्वारा भारतीय विमानपत्तन प्राधिकरण के अन्तर्राष्ट्रीय विमानपत्तन प्रभाग में श्री रोबे लाल, वरिष्ठ कार्यकारी निदेशक (इंजीनियरिंग) को उनके कार्यभार संभालने की तारीख से पांच वर्षों की अवधि के लिये अनुसूची "ख" में 12000—14000 रुपये के वेतनमान में भारतीय विमानपत्तन प्राधिकरण में सदस्य (परिचालन) नियुक्त करती है।

[सं. एवी-11015/006/95-वी बी]

पी.एस. राधाकृष्ण, अवर सचिव

New Delhi, the 17th October, 1996

S.O. 3054.—In exercise of the powers conferred by section 3 of the Airports Authority of India Act, 1994 (No. 55 of 1994), the Central Government hereby appoints Shri Robey Lal, Senior Executive Director (Engineering) in the International Airports Division of the Airports Authority of India as Member (Operations) in the Airports Authority of India in Schedule 'B' scale of pay of Rs. 12,000—14,000 for a period of five years from the date of his taking over charge.

[No. AV-11015/006/95-VE]

P. S. RADHAKRISHNA, Under Secy.

श्रम संस्थालय

नई दिल्ली, 7 अक्टूबर, 1996

का.आ. 3055.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स कुकिंग कोल लिमिटेड का बरका काना क्षेत्र के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में, केन्द्रीय सरकार औद्योगिक अधिकरण, सं. 2, धनवाव के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 3-10-96 को प्राप्त हुआ था।

[संख्या एल-20012/266/92-आईआर(कोल-1)]

ब्रज मोहन, डैस्क अधिकारी

MINISTRY OF LABOUR

New Delhi, the 7th October, 1996

S.O. 3055.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, No. 2, Dhanbad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Barkakana Area of M/s. Cooking Coal Limited and their workmen, which was received by the Central Government on 3rd October, 1996.

[No. L-20012(266)/92-IR (C-I)]
BRAJ MOHAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

PRESENT :

Shri D. K. Nayak, Presiding Officer.

In the matter of an Industrial Dispute under Section 10(1)(d) of the I.D. Act, 1947.

Reference No. 204 of 1993

PARTIES :

Employers in relation to the management Barkakana Area of M/s. C.C.L. and their workmen.

APPEARANCES :

On behalf of the workmen—None.

On behalf of the employers—Shri R. S. Murthy, Advocate.

STATE : Bihar.

INDUSTRY : Coal.

Dhanbad, the 25th September, 1996

AWARD

The Government of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012(266)/92-I.R. (Coal-I), dated, the 30th September, 1993.

SCHEDULE

"Whether the action of the management of Urimari Project of Barkakana Area Central Coalfields Ltd., is justified in superannuating workman Shri Birju Ram Driver from 9th August, 1991 when as per Identity Card issued to him by the management his date of birth is 4th August, 1941 and will be entitled for superannuation 4-8-2001? If not, to what relief the workman is entitled?"

2. In this reference even after issuing of notices the workmen neither turned up nor took any steps. Only the management appeared through Shri R. S. Murthy, Advocate. Thereafter again notices were issued to the workmen but in spite of issuance of notices to them they neither turned up nor took any steps. It therefore me to in inference that the workmen are not interested to press their demand before this Tribunal and presently there is no dispute existing between the workmen and the management. In the circumstances, I have no other alternative but to pass a 'No dispute' Award in this reference.

D. K. NAYAK, Presiding Officer

नई दिल्ली, 7 अक्टूबर, 1996

का.आ. 3056.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स कुकिंग कोल लिमिटेड की सरकार कोलियरी के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में, केन्द्रीय सरकार

औद्योगिक अधिकरण, सं. 2, धनबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 3-10-96 को प्राप्त हुआ था।

[संख्या पुन-20012/111/91-आई आर (कोल-1)]

ब्रज मोहन, डेस्क अधिकारी

New Delhi, the 7th October, 1996

S.O. 3056.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, No. 2, Dhanbad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Sirka Colliery of M/s. Cooking Coal Limited and their workmen, which was received by the Central Government on 3rd October, 1996.

[No. L-20012/(111/91-IR(C-I))
BRAJ MOHAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

PRESENT :

Shri D. K. Nayak, Presiding Officer.

In the matter of an Industrial Dispute under Section 10(1)(d) of the I.D. Act, 1947

Reference No. 161 of 1991

PARTIES :

Employers in relation to the management of Barkakana Sirka Colliery of M/s. CCL.

AND

Their workmen.

APPEARANCES :

On behalf of the workmen—None.

On behalf of the employers—Shri R. S. Murthy, Advocate.

STATE : Bihar.

INDUSTRY : Coal.

Dhanbad, the 25th September, 1996

AWARD

The Government of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012/111/91-J.R. (Coal-I), dated, the 3rd December, 1991.

SCHEDULE

"Whether the action of the management of Sirka Colliery of M/s. Central Coalfields Ltd., in denying Shri Ramayan Seth the post of General Mazdoor is justified? If not, to what relief the workmen entitled?"

2. Soon after the receipt of the order of reference notices were duly served upon the parties. But the workmen neither turned up nor took any steps. Only the management appeared through their Learned Advocate Shri R. S. Murthy. Thereafter again notices were issued to the workmen but inspite of the issuance of notices they neither turned up nor took any steps. It therefore leads me to an inference that there is no dispute existing between the workmen and the management and so they are not interested to proceed with the reference. In the circumstances, I have no other alternative but to pass a 'No Dispute' Award in the reference.

D. K. MAYAK, Presiding Officer

नई दिल्ली, 9 अक्टूबर, 1996

का.आ. 3057.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अन्वय में, केन्द्रीय सरकार मैसर्स श्री.सी.सी. पुन. का पठरडीह कोल वाशरी के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में, केन्द्रीय सरकार औद्योगिक अधिकरण, सं. 1, धनबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 8-10-96 को प्राप्त हुआ था।

[संख्या पुन-20012(135)/88-डी-37/डी-1(८)]

आई आर (कोल-1)]

ब्रज मोहन, डेस्क अधिकारी

New Delhi, the 9th October, 1996

S.O. 3057.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, No. 1 Dhanbad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Patherdih Coal Washery of M/s. BCCCL and their workmen, which was received by the Central Government on 8-10-1996.

[No. L-20012(135)/88-D-3(A)/D-4(A)(C-I)]

BRAJ MOHAN, Desk Officer.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD

In the matter of a reference under section 10(1)(d)(2-A) of the Industrial Disputes Act, 1947.

Reference No. 133 of 1990.

PARTIES :

Employers in relation to the management of Patherdih Coal Washery of M/s. Bharat Coking Coal Limited.

AND

Their Workmen.

PRESENT :

Shri Tarkeshwar Prasad, Presiding Officer.

APPEARANCES :

For the Employers : Shri B. Joshi, Advocate.

For the Workmen : Shri P. B. Choudhury, Authorised Representative.

STATE : Bihar INDUSTRY : Coal.

Dated, the 3rd October, 1996.

AWARD

By Order No. I-20012(135)/88-D-3-A/D-4(A) dated 4-6-1990 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2-A) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :—

"Whether the demand of Dhanbad Colliery Karamchhari Sangh, P. O. Kusunda, Distt. Dhanbad, for regularisation of Shri Deputy Singh and seven others as given in the annexure in the posts of Tyndal and Tyndal Jamadar in Patherdih Coal Washery is justified? If so, to what relief is the concerned workmen entitled?"

ANNEXURE

1. Shri Deputy Singh.
2. Shri S. S. Prasad Singh.
3. Shri D. N. Singh.
4. Shri M. L. Khani.
5. Shri Balister Singh.
6. Shri K. Khani.
7. Shri Md. Hussain.
8. Shri M. M. Das.

2. The concerned workmen and the sponsoring union have appeared and filed written statement stating therein that there is little difference in typing mistake in the names of workmen given in the schedule of reference and their actual names and also their date of service record are with the management and they have also filed their gate pass with photo enclosed alongwith statement of demand in conciliation dated 23-2-87 and comments of the management dated 24-9-89 and it is said comments that the dispute for regularisation of the concerned workman exists with the management since 1985 and in spite of several efforts made by the workmen and the sponsoring union it could not be settled, hence the reference.

3. It is further said that the concerned workmen were working with the management and doing the work of permanent tyndal gang in the washery and doing the job of heavy tyndal under the order of Tyndal Jamadar for the management. They have also given their service length respectively starting from 29-11-1976 to 16-7-1980. They were working with the management through contractors who were charged from time to time, but they were doing permanent nature of job under the direction of the managerial staff of the management and their service ought to have been regularised as per provisions of Contract Labour (Regulation & Abolition) Act, 1970. Although they have not been regularised in service but their deductions from provident fund was being made which is in the custody of the management and they are also entitled for gratuity payment as they were working for more than ten years with the management. It is also said that some other workmen hired by petty contractors engaged by the management were regularised in service but the concerned workmen being members of the sponsoring union have not been regularised

for the reasons best known to the management and the latter has given contradictory statement regarding their engagement through contractor before the conciliation proceeding and also in this reference. It is also said that the job of the concerned workmen being of permanent nature in the material handling department although not bring prohibited category but the workers of the same category are to be brought on the roll of the management. It is also said that the management has denied permanent roll facility with the concerned workmen but the job description of the workmen was never denied as statement given before the A. L.C. in the conciliation matter and it was stated by the management there that the concerned workmen were for periodical engagement in the material handling department and no such contract exists after 31-3-1987. But it is said that the concerned workmen are still in employment as per comments given in Annexure—W-2. It is also said that this plea that no contract labour exists with the management has been refuted from the report of the Labour Enforcement Officer (C) dated 2-2-1988 which is enclosed as Annexure W-5. It is said that the concerned workmen, Deputy Singh, Tyndal Jamadar and other workmen are heavy tyndals working under the instruction of headman of the gang and the supervisory staff and they have claimed for their placing in respective grade/category as per grade of Washery No. 6 and NCWA-III respectively from retrospective effect as per management's comments dated 24-9-1987 and it is prayed that the award be passed accordingly.

4. I further find that as many as five annexures Exts. W-1 to W-5 have been filed by the workmen alongwith their written statement which is on record.

5. The management has appeared and filed written statement-cum-rejoinder stating, inter alia, that this reference is not maintainable and there is no valid industrial dispute as there are no employer employee relationship between the workmen and the management and the sponsoring union had no locus standi to raise the industrial dispute in respect of the workmen. Earlier this Patherdih Coal Washery belonged to SAIL which was the successor of Hindustan Steel Limited and Steel Authority of India is financed by the Central Government and there were four washeries—two at Dugda, one at Patherdih and 1 at Bhojudih and for administration these washeries were placed under Central Coal Washerries Organisation (CCWO) and these washeries were in existence prior to 1972 and after formation of B.C. C. Ltd. in the year 1972 the management of these four washeries were given to M/S. B.C.C. Ltd. and this Patherdih washery receives different types of store materials from local market and Railway at the goods yard at different station which are transported and brought to the stores godown of Patherdih Coal Washery. It is also said that the management has regular workers for performing the above-noted work. It is further said that till 31-3-1987 the management engaged a Contractor for loading and unloading of store materials and the management arranged with the contractor for such occasion and the contractor was paid for the job executed by him and it was for the contractor to engage workmen

for this work and to dispense with their services and the wages were paid to the workmen by the contractor as per agreed rate and the contractor was supervising the work of the workmen and there was no relationship of employer and employees between the management and the concerned workmen. It is further said that ex-workmen of the ex-contractor which were ceased to be in operation from 31-3-87 are not entitled to claim employment from the management as held by their Judges of the Kerala High Court between P. Karuakaran Vs. Chief Commercial Superintendent, Southern Railway and others [1989 (I) L.J. 8].

6. It is also said that the management did not require any additional workers for the above job and when occasion arises for any additional work additional labour is engaged occasionally and the labour charge is paid. It is also said that such occasion labourers engaged varies from time to time and they have no right to employment for the management.

7. It is further said that the demand of the sponsoring union for regularisation of the concerned workmen is not bonafide and it is some ulterior motive to induct illegally forcibly for some persons for employment of the management. It is also said in course of conciliation proceeding the sponsoring union mis-represented the facts and correct names of the workmen was not furnished. It is further said that the concerned workmen which might have been raised by the sponsoring union are not entitled for their claim and same is liable to be rejected and they are also not entitled for any other relief/reliefs.

8. Regarding written statement filed by the concerned workmen and the sponsoring union the same has been denied specifically and parawise saying the same not correct and mis-representation of facts which have been denied as being false and baseless.

9. I further find that rejoinder has also been filed by the workmen and the sponsoring union to the written statement of the management saying that the plea taken by the management is totally incorrect and is not tenable at all and it is said that the concerned workmen were working continuously with the management prior to 31-3-1987 and thereafter also they are still working with the management and are attached with the material handling department of the store which is a permanent basis which cannot be managed by the contract labourers and it is prescribed for heavy tyndal workers. It is also said that the management was changing names of contractor and paper work was being done to deprive the concerned workmen of their regularisation in service although they have put in service for more than ten years on regular basis and the stand taken by the management was totally incorrect and the concerned workmen have been denied their regularisation over permanent nature of job where they have been engaged for considerable length of time.

10. On the basis of pleadings of the parties the point for consideration in the reference is—(a) As to whether the demand of the concerned workmen, Deputy Singh and 7 others for regularisation of their service as Tyndal Jamadar and Heavy Tyndal is justified or not? and (b) As to what relief or reliefs, if any, the workmen are entitled to?

11. Both the points being inter-linked are taken together for their consideration.

12. I find that the workman has examined D. P. Singh (Deputy Singh) who is one of the concerned workmen as WW-1 and he has supported his case as given in their written statement. He has been cross-examined at much length. He has said that earlier they were working under the Contractor, Radha Mohan and contractual work became at end in the end of March, 1987 and thereafter no contractor was engaged by the management and still they were working under the management in the direct supervision of the officers of the management who supervised and controlled their work. They also used to get payment from the office of the management and they were subscriber to provident fund and the contractor being removed they were being paid from the office of the store on submission of bills after working for the month. He also stated that they were being paid Rs. 35/- per day for doing work for 8 hours and when duty hour exceeded 8 hours they were being paid Rs. 50/- per head per day. They were also issued gate pass and that system has been abandoned and they have deposited the gate pass with photograph in this case and now their in going and out coming in the washery was free. They are also doing loading and unloading through mechanical appliance including crane and in case of their not joining duty crane would not work. In case of sustain injury during work, the management used to take care of them and their treatment. He could not say as to what rate was being given to the Contractor by the management. But now they are getting Rs. 20/- per tonne for loading materials on truck. Materials of the washery coming from railway are unloaded at railway siding and the same is again removed to the store of the washery. They get remuneration for such removal from one place to another and also for loading and unloading on trucks. He has further stated that at the time of contractor there was no departmental workmen working the stores of the washery for loading and unloading materials since then.

13. He has further denied that the management has got sufficient departmental workmen for handling job of stores of the washery. He has also denied that when their services were required for loading and unloading of stores they were allowed to enter in the premises of the management. He specifically stated that they were getting work regularly and every day for doing job 8 hours from 8 a.m. to 12 Noon and again from 2 P.M. to 5 P.M. These materials are weighed by the Babues of the management and in absence of weigh-machine,

estimate of weigh is done by Babues. He has also denied that the management has got its roll time rated workers to do the job of shifting. He was also working in September/October, 1992 when materials arrived in the store through truck they unloaded. He could not give exact number of trucks arrived with materials on every day. He has denied that when the truck arrived in the washery they are engaged occasionally for loading and unloading materials and they work only for 2 to 3 hours in a day. He has further denied that they were doing the work on contractual basis by forming co-operative and earlier they were working under contractor. He has further denied that the contractor used to supervise their work rather it was supervised by the staff of the management. At present they are working the job of loading and unloading of stores material as per instruction of Babues of the management who supervise their work. He further stated that when stores are open they are required to work there and besides them none else do the above job.

14. I further find that the management has examined one witness, MW-1 Mahabir Jha who was working as Senior Store Keeper in the Store of Patherdih Coal Washery since 1970. He has stated that the workmen worked under contractors, lastly under Radha Mohan Singh who worked till 1988. He has produced Consignment Register of the Store of materials received entered thereunder which has been proved and marked Ext. M-1. As per entries made therein one wagon of materials were received in the month of September, 1992 and one truck of materials, weighing 9 tonnes was also received in which the concerned workmen were engaged as contract rate of Rs. 30/- per ton for its unloading. It is said that the contractor, Radha Mohan Singh left contract work in the year 1988 and thereafter the concerned workmen have formed co-operative and were working as and when occasion arose and one of the concerned workman was son of a Peon from whom information was sent and their work was not regular and no working hour was fixed. He has given details of strength of the workmen of the washery and has stated that four workmen have been engaged in the stores as stated by him earlier. He has admitted that the concerned workmen were working since 1970 when he joined the washery earlier there was four workmen which was raised to 6 and 8 in number. He has further proved a letter sent by the Personnel Manager of the company, marked Ext. W-1. He could not say that the contractor was removed in the year 1987 and thereafter no contractor was employed for the same. Wagons are unloaded at Patherdih Station siding and heavy materials of bigger part are also received which are unloaded through crane operated by the workmen. He has proved daily receipt register in which materials received is noted therein and the registers for the period from 1-4-1991 to 31-3-1992 have been proved and marked Ext. W-2 and another register for the period from 1-4-1992 to 31-3-1993 has been proved and marked Ext. W-2/1 and the workmen used to enter particulars of work in the register on which the staff of the management put their signature and accordingly bill is prepared and payment is made through vouchers. He has further said that 8 gate passes were issued by the company which

have been renewed from time to time last being upto 31-3-1987 marked Ext. W-3 to W-3/7. He has further admitted that the tonnage rate of the workmen was raised to Rs. 30/- on their application and has also admitted that on average the concerned workman taken together payment is made in a month ranging from Rs. 2500/- to Rs. 6000/-. But he could not say that the provident fund was deducted from the wages of the workmen or not. He also could not say whether their provident fund contribution was not deposited by the contractor when his bill was withheld. He has further admitted that the work of the concerned workmen was supervised by the officer and employees of the company and had denied that he was stating wrongly that four regular employees of the store were unloading sometime heavy materials. There is no other witness in the case.

15. As noted earlier one daily receipt register was produced by the management marked Ext. M-1 in which some entries have been made, but I do not find any signature of the concerned officer on this register, but it is noted that this is from 1993-94 upto May, 1993, Ext. W-1 is a letter of the management issued to the A.L.C., Dhanbad in which names of these concerned workmen and date of their initial working has been noted and it is also noted therein that Ram Gupta, Ex-contractor of store handling had deposited Rs. 5,485/- as provident fund deposit of the employees with R.P.F. Commissioner and Rs. 12,000/- was to be deposited by Radha Mohan Singh, Contractor towards provident fund deposit for which contractor's bill of Rs. 15,000/- was upheld. He could not give copy of Notification issued by the Ministry dated 1-2-73, 1-3-77, 1-2-75, 25-7-83 and 25-7-1985. But these notifications were issued in the form of circular of the B.C.C. Ltd. Headquarter which was enclosed Ext. W-2, W-2/1 are said daily receipt register showing entries for the year 1992-93 and 1993-94 on which some concerned officer of the staff have put signature on the date of closing on 31-3-1992 and 31-3-1993. From going through these registers it appears that the concerned workmen were doing the work on almost all the working days and it contradicts the statement of the management that the work of the workmen was occasional and irregular in nature and they were not working continuously and regularly. Ext. W-3 series gate pass of the concerned workmen have also been signed by the Asstt. Labour Welfare Officer, and it also goes against the management's contention that the management has no concerned with these workmen and there was no relationship of employer and employee between them.

16. It has been argued by the sponsoring union and on behalf of the concerned workmen that vide Ext. W-1 which is document of the management it is clear that these workmen who were working under the management in the store of Patherdih Coal Washery from 1976 onwards. However, MW-1 has admitted that the workmen have been working from 1970 when he joined the service. From Ext. W-2 it is clear that till 1992-93 the concerned workmen were working in the store of the management for loading and unloading and stacking heavy materials in the store of the management coming through railway wagon or through trucks. WW-1 has

clearly stated that even operation of crane of the washery their work is regular and continuous as in their absence crane could not work for moving the materials from here and there. It is further submitted that as per admission of the management all the workmen worked under the contractor, Radha Mohan Singh till 1978 and thereafter they were working by forming co-operative as and when occasion arose. But there is nothing to prove this contention that they were working occasionally. My attention has been drawn also to Annexure W-5 attached with the written statement of the workmen which is the enquiry report, enquiry conducted by the Labour Enforcement Officer, Dhanbad and addressed to A.L.C. (C), Dhanbad-5 dated 2-2-88 and these workmen were found working in the store of the washery and they have clearly stated that they were working from 8 A.M. to 12 Noon and from 2 P.M. to 5 P.M. with two hours break for taking lunch. Deductions were also made from their wages towards provident fund contribution as per Ext. W-1. It has been admitted by the management that provident fund was deposited by one of the contractor and it was pending with last contractor Radha Mohan Singh for which his bill for Rs. 15,000/- was withheld by the management. The concerned workmen specifically submitted that they were working for long period ranging from 11 years to 15 years. It is submitted that in view of the Contract Labour (Regulation & Abolition) Act, 1970 all of the concerned workmen have completed more than 240 days of working in 12 calendar months in a year and as admitted by Ext. W-1 dated 24-9-1987 the concerned workmen were working from 29-11-1976 onwards. As such it is incorrect to say that the work done by the concerned workmen was not permanent and perennial in nature rather it was occasion nature for which contractor was engaged and after removal of contractor they were working forming co-operative. There is nothing to show that any co-operative was formed by the workmen and they were working on contract basis as and when occasion arose rather from their oral evidence and also evidence of the MW-1 and Ext W-2 series it is clear that they worked almost all working days and material was received in the washery which was loaded and unloaded and stacked by them and on the basis of entries made in Ext. W-2 series bill was prepared and payment was made from the office of the washery to the workmen. Even their provident fund contribution was deducted from their wages. As such there is no any valid ground by the management for not regularising of their service. I find much force in the plea of the workmen and the sponsoring union.

17. However, it has been submitted on behalf of the management that they were contractor's workmen and there was no relationship of employer and employee between them and they being workers of contractor who have left work as early in 1988 they were not entitled for claiming regularisation of their service with the management. It is also said that they were engaged occasionally as and when work arose and arrival of the materials in the store was not daily and regular basis and after the contractor left the work concerned workmen had formed co-operative and they were informed for work as and when occasion arose through Peon as and

when work was available and they worked only for 2 to 3 hours on arrival of the materials. But as noted above there is nothing to show that the concerned workmen had formed any co-operative or that they were working on contract basis but it is clear that they were paid less than what the actual work on roll were being paid for the same work. It has also been admitted by the management's witness MW-1 that on average monthly payment to the workmen taken together ranging from Rs. 2500/- to Rs. 6,000/- monthly and such a huge amount can't be paid if they were working for 2 or 3 days in a week with the management and that also for 2-3 hours daily. MW-1 has also admitted that earlier there was four workmen which was raised to 6 and again to 8 and the workmen concerned were working under the supervision and control of the staff of the washery and payment was made to them by the management on the basis of preparation of bill which was prepared as per entries made in Ext. W-2 series. As noted earlier from this Ext. W-2 series register, it is clear that they were working almost on all working days and definitely their work was continuous and permanent in nature but the benefits of permanent job was being deprived to them and this was naturally serious exploitation of labour by a public undertaking industry which could not be said to be valid and in accordance with law.

18. In view of the above discussion I find that the concerned workmen were working with the management of Patherdih washery since 1970 as admitted by MW-1 and since 1976 till 1988 as per Ext. W-1 and enquiry report submitted by the Labour Enforcement Officer, A.L.C., Dhanbad vide Annexure-5 of the written statement of the workmen and as per evidence of MW-1 and Ext. W-2 series they were still working with the management till 1992-93 or upto March, 1993 which admitted by the management witness MW-1 and also proved from Ext. W-2 series. The concerned workmen have worked with the management for such a long period which could not be denied rather it is admitted fact.

19. Accordingly it is held that the job of the concerned workmen was perennial and permanent in nature and it could not be said in any way occasional and after working for such a long period with the management non regularisation of their service is against the provision of Contract Labour (Regulation & Abolition) Act, 1970 and they have completed many times of 240 days in 12 calendar months in a year as provided under Section 25-B sub-clause (2) of the Industrial Disputes Act, 1947 and they are entitled for regularisation of their service as Tyndal Jamadar in case of Deputy Singh and as Tyndal workmen in case of rest of the workmen. Both the points are decided accordingly.

20. In the result I hold that the demand of Dhanbad Collieries Karmachari Sangh for regularisation of 11 workers, each and seven others as mentioned in the annexure in the posts of Tyndal and Tyndal Jamadar in Patherdih Coal Washery is justified and they are entitled for regularisation of the service from the admitted date of their joining the work by the management vide Ext. W-1 and they are also entitled for equal pay for equal work.

from 2-2-1988 vide Annexure--5 of the written statement of the workmen in the grade/category as prescribed under N.C.W.As.

However, there will be no order as to the cost.

TARKESHWAR PRASAD, Presiding Officer.

नई दिल्ली, 9 अक्टूबर, 1996

का.प्र. 3048.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार सरकार पोस्ट के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 8-10-96 को प्राप्त हुआ था।

[सं. एन-40012/12/92-आई आर (डीयू)]

बी. एम. डेविड, डेस्क अधिकारी

New Delhi, the 9th October, 1996

S.O 3058.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal Kanpur as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Post and their workmen, which was received by the Central Government on 8-10-1996.

[No. L-40012/12/92-IR (DU)]
B. M. DAVID, Desk Officer.

ANNEXURE

BEFORE SHRI B. K. SRIVASTAVA PRESIDING
OFFICER, CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR
COURT, DEOKI PALACE ROAD, PANDU
NAGAR, KANPUR

Industrial Dispute No. 2 of 1993

In the matter of dispute between :

Sunil Kumar Bajpai, Vill. Bibipur, P. O. Bibipur, Tehsil and pargana Ghatampur, Disstt. Kanpur.

And

Superintendent of Post Office, Main Post Office, Bara Chourha, Kanpur.

AWARD

1. Central Government, Ministry of Labour, New Delhi, vide its notification No. 40012/12/92, dated

Nil, has referred the following dispute for adjudication to this Tribunal :—

Whether the action of the management of Superintendent Post Offices, Kanpur in terminating the services of Shri Sunil Kumar Bajpai w.c.f. 11-3-1991 is justified ? If not, what relief he is entitled to ?

2. It is not necessary to narrate the pleading of the parties. Suffice it to say that in this reference the management is Post Office Kanpur. In case of Sub-Divisional Inspector of Post, Vakam and others V/S Theyyam Joseph & other in Civil appeal No. 3385-86 of 1996 decided on 2-2-1996 Hon'ble Supreme Court has held that "Post Office" is not covered by the definition of Industry defined in the Industrial Dispute Act. In view of this pronouncement the reference against Post Office is in competent.

3. Hence the reference is returned unanswered, this Tribunal having no jurisdiction.

B. K. SRIVASTAVA, Presiding Officer.

नई दिल्ली, 9 अक्टूबर, 1996

का.प्र. 3059.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सफाई अरजतल के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नई दिल्ली के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 3-10-96 को प्राप्त हुआ था।

[सं. एन-42012/242/94-आई आर (डीयू)]

बी. एम. डेविड, डेस्क अधिकारी

New Delhi, the 9th October, 1996

S.O. 3059.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby published the award of the Central Government Industrial Tribunal New Delhi as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Safdarjung Hospital and their workman, which was received by the Central Government on 8-10-96.

[No. L-42012/242/94-IR (DU)]

B. M. DAVID, Desk Officer

ANNEXURE

BEFORE SHRI GANPATI SHARMA : PRESIDING OFFICER CENTRAL GOVT. INDUSTRIAL TRIBUNAL : NEW DELHI

I.D. No. 4/96

In the matter of dispute between :

Shri Satyawan s/o Shri Zile Singh E.E.G. Technician, Department of Neurology, c/o Hospital Employees Union, Aggarwal Bhawan, G.T. Road, Tis Hazari, Delhi-110054.

Versus

The Management of M/s. Safdarjung Hospital through its Medical Superintendent, New Delhi-110016.

APPEARANCES:

Shri C. P. Aggarwal—for the workman.
Shri Rajesh Saxena—for the Management.

AWARD

The Central Government in the Ministry of Labour vide its order No. L-42012/242/94-I.R. (DU) Dated 24/28-12-95 has referred the following industrial dispute to this Tribunal for adjudication :

“Whether the action of the management of Safdarjung Hospital by terminating the services of Shri Satyawan, Lab. Technician (EEG) w.e.f. 28-2-94 is justified? If not, to what relief the workman concerned is entitled to?”

2. This reference was fixed for filing of the statement of claim. The workman was supposed to file statement of claim on 16-2-96 then on 22-3-96, 10-5-96, 12-7-96 and finally on 23-8-96. Statement of claim was not filed even on 23-8-96. No ground to further adjourn the case was made out. No dispute award is passed in this case and the claim of the workman stands dismissed leaving the parties to bear their own costs.

23rd August, 1996.

GANPATI SHARMA, Presiding Officer

नई दिल्ली, 9 अक्टूबर, 1996

का.शा. 3060.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार पोस्ट के प्रबन्धतंत्र के संबंध में नियोजकों और उनके कर्मचारियों के बीच, अनुबन्ध में निम्नलिखित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नई दिल्ली के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 8-10-96 को प्राप्त हुआ था।

[सं.एल.-40012/41/87-डी-2 बी]
बी.एम. डेविड, डेस्क अधिकारी

New Delhi, the 9th October, 1996

S.O. 3060.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, New Delhi as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Post and their workman, which was received by the Central Government on 8-10-96.

[No. L-40012/41/87-D-2-B]

B. M. DAVID, Desk Officer

ANNEXURE

BEFORE SHRI GANPATI SHARMA : PRESIDING OFFICER : CENTRAL GOVT. INDUSTRIAL TRIBUNAL : NEW DELHI

I.D. No. 49/89

In the matter of dispute between

Mukesh Kumar s/o Shri Hari Singh Verma, Sector-VI/644, R. K. Puram, New Delhi.

Versus

Post Master General (Staff), Delhi Circle, New Delhi.

APPEARANCES :

Shri Pradeep Kumar—for the workman.
Shri Ujagar Mal Kalra for the Management.

AWARD

The Central Government in the Ministry of Labour vide its Order No. L-40012/41/87-D-2-B dated 19-5-89 has referred the following dispute to this Tribunal:

“Whether the action of the management of Post Master General (Staff), Delhi Circle in terminating the services of Shri Mukesh Kumar w.e.f. 3-2-86 is justified? If not, to what relief the workman is entitled?”

2. The workman concerned was appointed as Mail Man in South Delhi. Sorting Division w.e.f. 1-2-84 vide Memo No. SED/SD/Group-D-Appt./84 dated 5-4-84.

3. Services of the workman concerned were terminated by Memo No. HR-1/85-86 dated 3-2-86, admittedly without assigning any reason.

4. The case of the workman is that his termination is illegal, arbitrary, unjustified and against the Principles of Natural Justice. It is alleged that the termination order is innocuous in form, but punitive in character and accordingly the same cannot be passed without holding an enquiry and giving the workman an opportunity of being heard. The termination order is also alleged violative of Article 311(2) of the Constitution of India. His termination amounts to retrenchment and the conditions precedent thereto, as prescribed under Section 25-F of the I.D. Act, 1947 have not been complied with, as no retrenchment compensation has been paid to him, while dispensing with his services. Therefore, the termination is

violative of Section 25-F of the I.D. Act, 1947 and thus, is void ab-initio. He has claimed his reinstatement with continuity of service and back wages.

5. The contention of the management is that the workman concerned was not surplus staff, as such no retrenchment was required to be paid. The dispute is not an industrial dispute, but an individual dispute. The termination of services of the workman concerned has been affected to under Rule 5(1) of CCS(T.S.) Rules, 1965, whereunder there is no provision to assign any reason for terminating the services of a temporary government servant. It is also contended by the management that the service of the workman concerned were terminated on the ground of his adverse conduct noted on several occasions.

6. The management have filed five documents vide list dated nil alongwith one document with affidavit evidence, and have examined Smt. Sujata Chaudhary, Senior Superintendent, Air Mail, Sorting Division, Chanakyapuri, New Delhi, as MW1.

7. The workman concerned has filed five documents vide list dated 9-11-89 alongwith 4 annexures with his affidavit evidence.

8. I have heard representatives of both the parties and have gone into the evidence on record.

9. It is manifest from the cross-examination of MW1 that while terminating the services of the workman concerned, no show cause notice was given to the workman before imposing the penalty upon the workman concerned obviously in garb of termination of services, nor any enquiry was held. It is also admitted by MW-1 that no written adverse comments were ever conveyed to the workman. It is also admitted by MW-1 that no other compensation except one month's notice pay was given to the workman. The MW-1 also could not deny that persons junior to the workman were retained in the employment at the time of termination of the services of the workman concerned. It has specifically been admitted by MW-1 that the services of the workman concerned have been terminated on account of misconduct.

10. It is a case wherein a short-cut formula has been deliberately adopted by the management by way of simple termination without serving charge-sheet and holding enquiry. Thus, from the established facts on record, it can safely be concluded that the order of termination of the services of the workman concerned is punitive, which is against the Principles of Natural Justice, and cannot be sustained.

11. Even otherwise also, admittedly, the workman concerned had worked continuously from 1-2-1984 to 3-2-1986 much beyond 240 days preceding the date of termination of his services, and no compliance of Section 25-F of the I.D. Act, 1947 has been done, while terminating the services of the workman, as a result of which the workman concerned is entitled to reinstatement with continuity of service and full back wages.

12. Hence, held that the action of the management in terminating the services of the workman concerned w.e.f. 3-2-86 is not justified? as a result of which the workman concerned is reinstated with continuity of service and full back wages w.e.f. 3-2-1986.

13. Award is given accordingly.

16th September, 1996.

GANPATI SHARMA, Presiding Officer

नई दिल्ली, 9 अक्टूबर, 1996

का.प्र. 3061 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सेंट्रल वाटर कमीशन के प्रबन्धन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, हैदराबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 8-10-96 को प्राप्त हुआ था।

[सं.एल-42012/213/94-आई आर (डी यू)]
बी.एम. डेविड, डेस्क अधिकारी

New Delhi, the 9th October, 1996

S.O. 3061.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal Hyderabad as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Central Water Commission and their workman, which was received by the Central Government on 8-10-96.

[No. L-42012/213/94-IR(DU)]
B. M. DAVID, Desk Officer

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL—I AT HYDERABAD

PRESENT:

Sri V. V. Raghavan, B.A., LL.B., Industrial Tribunal-I.

Dated : 16th day of August, 1996

INDUSTRIAL DISPUTE NO. 52 of 1995
BETWEEN

Smt. Maria Swamy, W/o. S. Swamy,
C/o Lingaiah, 8-1-73/A, Shaikpet,
Golkonda, Hyderabad-500 001. . . Petitioner.

AND

The Chief Engineer, C.W.R. Water
Resource Organisation (SR),
R. No. 5-9-201/B & B1/Chirag Ali
Lane, Abids,

Hyderabad-500 001.

. . . Respondent.

APPEARANCES:

Sri R. V. Kameshwaran, Advocate for the Petitioner,

Sri P. Damodar Reddy, Addl. Standing Counsel for Central Government, for Respondent.

AWARD

The Government of India, Ministry of Labour, New Delhi made a reference to this Tribunal by its Order No. L-42012/213/94-IR(DU) dt. 5/7-5-1995 under Section 10(1)(d) & 2A of the Industrial Disputes Act, 1947 for adjudication of the industrial dispute mentioned in its schedule which reads as follows:

"Whether the action of the management of the Chief Engineer Central Water Commission, Hyderabad in terminating the services of Smt. Maria Swamy w.e.f. 7-1-1994 proper, justified and legal? If not, to what relief the workman is entitled to?"

2. After receipt of the notice issued by this Tribunal, an Advocate appeared and filed his vakalat for the Petitioner and also the claim statement of the petitioner, on 3-7-1995. The Advocate for the Respondent filed his memo of appearance for the Respondent on 3-7-1995 and the counter of the Respondent was filed on 20-10-1995. The matter was posted for enquiry. From 20-10-1995 to till date i.e. 16-8-1996 neither the Petitioner nor the Respondent was ready to lead the evidence. Hence it is found that the petitioner did not evince any interest to prosecute her matter even though adjournments were granted by this Tribunal to lead her evidence and prosecute her matter.

3. On a perusal of the docket sheet, it is found that both parties are not evincing any interest to prosecute this matter. Hence there is no option except to close the reference. Hence the industrial dispute is closed.

Given under my hand and the seal of this Tribunal this the 16th day of August, 1996.

V. V. RAGHAVAN, Industrial Tribunal-I,
Appendix of evidence

NIL

नई दिल्ली, 9 अक्टूबर, 1996

का.प्रा. 3062.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूर संचार के प्रवर्धन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, धनबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 8-10-96 को प्राप्त हुआ था।

[सं.एल-40012/201/90-आईआर डीयू]

वी.एम. डेविड, डेस्क अधिकारी

New Delhi, the 9th October, 1996

S.O. 3062.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Dhanbad as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Telecommunication and their workman, which was received by the Central Government on 8-10-96.

[No. L-40012/201/90-IR(DU)]

B. M. DAVID, Desk Officer

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. I, DHANBAD**

In the matter of a reference under Section 10(1)(d) of the Industrial Disputes Act, 1947.

Reference No. 84 of 1991.

PARTIES :

Employers in relation to the management of Telecom Civil Division, Ranchi.

AND

Their Workmen.

PRESENT :

Shri Tarkeshwar Prasad, Presiding Officer.

APPEARANCES :

For the Employers : Shri S. Pal, Advocate.

For the Workmen : Shri J. P. Singh, Advocate.

STATE : Bihar.

INDUSTRY : Telecom.

Dated, the 27th September, 1996

AWARD.

By Order No. L-40012/201/90-IR.(D.U.) dated 18-9-91 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-sec. (1) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :

"Whether the management of Dtptt. of Telecommunication through the Executive Engineer, Telecom Civil Division, Ranchi is justified in terminating the services of Shri Dhanu Rajwar, Ex-Sewerman w.e.f. 7-11-89 ? If not, what relief the said workman is entitled to ?"

not maintainable under the Industrial Disputes Act,

2. The present reference relates to Telecom Civil Division, Ranchi. But in view of the decision of the Hon'ble Supreme Court reported in 1996 Lab. I.C. 1059 between Sub-Divisional Inspector of Post, Vajkarn and others Vs. Theyyam Joseph etc. where cation Department is not industry, this reference is not maintainable under the Industrial Disputes Act,

1947, with option to the workman to file the case before appropriate forum, if he so likes.

3. Accordingly, I dispose of the present reference case as not maintainable under the Industrial Disputes Act, 1947.

TARKESHWAR PRASAD, Presiding Officer

नई दिल्ली, 4 अक्टूबर, 1996

का.प्र. 3063.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार यूनियन बैंक आफ इंडिया के प्रबन्धन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, 2 मुम्बई के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 3-10-96 को प्राप्त हुआ था।

[संख्या एल-12011/45/94-आई.आर.बी.2]
सनातन, डेस्क अधिकारी

New Delhi, the 4th October, 1996

S.O. 3063.—in pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, 2 Mumbai as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Union Bank of India and their workman, which was received by the Central Government on the 3-10-96.

[No. L-12011/45/94-IR(B-II)]
SANATAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, MUMBAI

PRESENT :

Shri S. B. PANSE, Presiding Officer.
Reference No. CGIT-2/6 of 1995.

PARTIES :

Employers in relation to the management of
Union Bank of India

AND

Their Workmen.

APPEARANCES :

For the Employers : Shri K. S. Venkatesh, Representative.

For the Workmen : S/Shri S. S. Paranjape & S. P. Mahendale, Representative.

Mumbai, dated 12th September, 1996

AWARD

The Government of India, Ministry of Labour by its order No. L-12011/45/94-IR(B-II), dated 20-3-95,

had referred to the following Industrial Dispute for adjudication :

"Whether the contention of the Union Bank Staff Association, Miraj that the management of Union Bank of India, Pune had ignored the claim of the 16 senior workmen (as per list attached) while promoting Shri V. S. Pote as Head Cashier category 'C' is correct. If so, what reliefs are the affected workmen entitled to ?"

2. The union Bank staffs association filed a statement of claim at Exhibit-3. It is averred that their service conditions are governed by Awards and Bipartite settlements. The Union Bank of India is an Industrialised Bank. On 30-7-85 erst-while Miraj State Bank Limited was amalgamated with the Union Bank of India with a scheme of amalgamation sanctioned by the Government of India. At the time of amalgamation V. S. Pote was working as a clerk at the Marketyard branch of Miraj State Bank Ltd. (Now Civil Hospital Road Branch Sangli) and V. V. Kulkarni was working as a cashier. As per the amalgamation Kulkarni was designated as a head cashier. Pote was designated as a clerk. Later on Pote approached the bank for giving him the post of head cashier, claiming that he was senior to Kulkarni. The management rejected his claim.

3. The union pleaded that later on Pote raised an Industrial dispute and the reference came before the Central Industrial Tribunal for adjudication. There the parties entered into a settlement and it was agreed that Pote has to be appointed as head cashier w.e.f. 16-8-91. It is submitted that the terms of the said settlement violated all provisions of initial settlement regarding appointment of head cashier causing injustice to ten senior eligible employees as shown in the list attached to the reference. It is submitted that there was no provision in settlement of relieving head cashier but the bank has agreed to utilise services of Pote as relieving head cashier in Sangli District. It is contended that by giving that post to Pote the senior workmen were deprived of the post and special allowances. By giving the post to Pote is nothing but an act of unmerited promotion to non eligible employee with malafied intention. By giving him promotion the bank has shown favouritism to one set of worker regardless of merit. It is submitted that the settlement reached between the bank and Pote is not in accordance with the provisions of the Industrial Disputes Act and rules made there under by entering into such illegal agreement by directing out and violating provisions of promotion policy the bank has caused to effect seniority and other senior employees in the Sangli district. It is pleaded that by giving the post to Pote the bank has increased the post of Head Cashier for which no notice of change as a contemplated under Section 9A of the Act was given. It is therefore prayed that it may be declared that Pote has been appointed as Head Cashier w.e.f. 16-8-91 by violating the norms of appointment in promotion policy and neglecting the claim of 16 senior employees. that the senior employees may be given special allowance post of head cashier category 'C' w.e.f. 16-8-1991 and with other reliefs.

4. The management resisted the claim by the written statement Exhibit-5. It is submitted that the post of Pote was given as per the award passed by the Tribunal. It is averred that when the merger took place there was a scheme for giving the post to erstwhile Miraj State Bank Limited employees. The staffing pattern of that bank and the union bank had a little difference. There was no post of head cashier in that bank. The work of head cashier was performed in different manner in different branches of the erstwhile Miraj State Bank Limited by its employees. Therefore the union bank decided to absorb certain clerical employees of that branch as head cashier category 'C' on amalgamation. They had given in detail the scheme in the paragraph 4 & 5 of the written statement.

5. The management pleaded that initially the claim which was made by Pote was rejected. But when the dispute came before the Tribunal they reconsidered the matter again in view of the criteria which fixed and found the claim to be justified and settled the matter. It is averred that when he was given that post on 22-8-91 there was no vacancy of head cashier category 'C'. Therefore he was absorbed in super nummerary vacancy of relieving head cashier. Under such circumstances there was no question of considering the case of 16 employees listed in the statement of claim when the case of Pote was considered. It is denied that their action has violated any of the agreements. For all these reasons it is submitted that there is no merit in the case of the union and the reference may be answered in favour of the bank.

6. The union filed his rejoinder at Ex-6. They have clarified the position in respect of their claim and reasserted the claim which they have made in the statement of claim. It is submitted that Pote was not at all eligible for the post of head cashier at the time of amalgamation.

7. The issues that fall for my consideration and my findings there on are as follows :

Issues	Finding
1. Whether V.S. Pote has been appointed as Head cashier w.e.f. 6-8-91 by violating the norms for appointment in promotion policy ?	No.
2. Whether the contention of the union that the management of the bank had ignored the claim of 16 senior workmen (as per the post attached) while promoting the Pote, Head Cashier category 'C' is correct	No.
3. If so, what relief are the affected workman entitled to ?	Does not survive.

REASONS

8. To bolster up the case the union examined Avinash Laxman Athavale (Ex-12) Vice President of the union Ramchandra Madhav (Deshvande (Exhibit-13) and V. V. Kulkarni (Exhibit-14). As

against this the management examined Jyoti Dnyanu Kamble (Exhibit-18) who is the Dy. Manager Industrial Relation and V. S. Pote (Exhibit-19). The parties have filed their written arguments which are at Exhibit-21 & 22. The union in their written arguments had categorically mentioned that it is absolutely made clear that the workman are not at all saying anything about award passed by this Hon'ble Tribunal on 22-8-91 and its implementation. They have further stated that workman have never told to withdraw the post of head cashier given to Shri V. S. Pote in terms of the award of this Hon'ble Tribunal. In fact this is what is contrary prayer clause para 6(i). I have already observed above what is stated in the statement of claim by the union. Their case is that the post which is given to Pote is illegal and contrary to the different settlements. The submission in the written arguments . . . appears to be contrary to the claim which they have made in the statement of claim. I do accept that in the statement of claim they have not mentioned to withdraw the post which is given to Pote. It must be made clear that this Tribunal is not sitting as an Appellate Jurisdiction over the award which is passed by it earlier. There was a settlement between management and the union and Pote was given the post of head cashier on 22-8-91. The award was implemented. If these 16 workmen have been affected by that award their remedy was to approach a higher courts for getting relief. Instead of that they had chosen this another mode which has no justification. This Tribunal cannot decide, that Pote was wrongfully given the post of Head Cashier.

9. From the testimony of Athavale, Deshvande and Kulkarni and from the testimony of Pote himself it is not in dispute that those 16 workmen were senior to Pote at the time of the amalgamation of Miraj State Bank of India Ltd. and the Union Bank of India. It is not the seniority only which is counted for giving the post of head cashier in this particular case. It is because when the amalgamation took place the scheme was formulated. It is not in dispute that erstwhile Miraj Bank had no post of head cashier. The work of Head cashier was performed by cashiers of permanent basis, clerks on permanent basis, clerk on rotation basis and branch manager at some places. So far as the market yard branch, Sangli was concerned the work of head cashier was performed by clerks on rotation basis and also cashier was performing the job of head cashier. As per the criteria of absorption Mr. Kulkarni and Mr. Pote were eligible for the post of Head clerk, Category 'C' being clerk working in that capacity and senior most clerk respectively.

10. At the time of amalgamation V. V. Kulkarni was absorbed as head cashier category 'C'. Subsequently it came to light that Kulkarni was junior to Pote in that branch who raised the dispute and as observed above was settled.

11. By raising the dispute it appears that the union wants to create 16 posts of the head cashier which this tribunal cannot do. It can be further seen that there is a contention of the union that when Pote was given the post there was no vacancy of

head cashier Category 'C5. He was absorbed against the supernumerary vacancy to relieving head cashier. According to the Union creating such a post is contrary to the service conditions and no notice under Section 9A of the Industrial Disputes Act 1947 was given. I do not find any merit in this contention because the said post was given to Pote on the basis of the award. There was no need to issue notice under Section 9A of the Act as alleged. For all these reasons I record my findings on the issues accordingly and pass the following order :

ORDER

The contention of the Union Bank Staff Association Miraj that the management of Union Bank of India, Pune had ignored the claim of the 16 senior workmen (as per list attached) while promoting Shri V. S. Pote as head cashier Category 'C' is not correct.

S. B. PANSE, Presiding Officer

नई दिल्ली, 7 अक्टूबर, 1996

का. आ. 3064—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अन्तर्गत में, केन्द्रीय सरकार मध्य रेलवे के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, बम्बई-2 के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 4-10-96 को प्राप्त हुआ था।

[संख्या एल-41012/71/90-आई आर बी आई]

पी. जे. माईकल, डेस्क अधिकारी

New Delhi, the 7th October, 1996

S.O. 3064.—In pursuance of Section II of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Bombay-2 as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Central Railway and their workman, which was received by the Central Government on the 4-10-96.

[No. L-41012/71/90-IRBI]

P. J. MICHAEL, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NC. 2, MUMBAI

PRESENT :

Shri S. B. Panse, Presiding Officer.

Reference No. CGIT-2/23 of 1991

Employers in relation to the Management of Central Railway, Mumbai

AND

Their Workmen

APPEARANCES :

For the Employer—Shri P. S. Lambat, Advocate.

For the Workmen—Shri S. V. Gole, Advocate.

Mumbai, dated the 10th September, 1996

AWARD

The Government of India, Ministry of Labour by its Order No. L-41012/71/90-IR(DU), dated 11-4-91, had referred to the following Industrial Dispute for adjudication.

“Whether the Management of Central Railway, Victoria Terminus, Bombay is justified in terminating the services of Sh. Subhash Raghunath Rao Igale, Mechanic in the Deptt. of Chief Telecom Inspector (Construction), Sion, w.c.f. 18-12-19983 ? If not what relief he is entitled to and from what date ?”

2. Subhash Raghunath Rao Igale, the worker contended that he was appointed as casual mechanic (motor) by the Chief Telecom Inspector (construction), Sion Central Railway, Bombay on 11-1-93. He pleaded that he was terminated without following any of the provisions of Industrial Disputes Act of 1947 on 19-12-1983. He continuously served for 343 days.

3. The workmen pleaded that in the service card it is mentioned that he left the services. It is with an intention to avoid the responsibility of following statutory provisions of the Act. It is pleaded that the management in their internal correspondence dated 11-12-86 had mentioned that the worker was discharged on 19-12-83 after issuing one months notice. This is contrary to the record created on the service card. It is asserted that when he was orally terminated no notice or notice pay or retrenchment compensation was paid to him. It is averred that the juniors of the workman were retained in the service and he was illegally removed. It is averred that the action of the management is illegal and unjust. He prayed for reinstatement in service in continuity with full back wages.

4. The management resisted the claim by the written statement Exhibit-5. It is averred that the reference is not within time and not maintainable under the law. It is pleaded that there is no industrial dispute existing between the parties. It is asserted that there is no relationship of employee and employer between the parties.

5. The management pleaded that the worker was appointed as a casual mechanic. His birth date was shown as 13-8-54. He worked as a casual mechanic from 11-1-83 till 18-9-83. Thereafter on an enhance monthly rate he continued to work till 19-12-83. On that date he was discharged as there was no work for him. It is averred that Chief Telecom Inspector, Sion had informed the worker about his termination well in advance. He was discharged after completion of the work and no

further engagement was done against that post. It is averred that one months notice regarding termination of the service of the worker was displayed on the notice board. It is denied that the juniors of the worker are retained in service. It is submitted that it is not incumbent on the part of the management to find out an alternative job for the person who is being discharged on account of there being no work. It is averred that the Railway have not violated the provisions of the Industrial Disputes Act of 1947. It is asserted that the worker obtained the employment on its the basis of O.B.C. certificate and he is over aged for any and further employment. He cannot be reinstated in service with full black wages. Under such circumstances it is prayed that the reference may be answered accordingly.

6. My Learned Predecessor framed issues at Exhibit-6. The issues and my findings there on are as follows :

ISSUES	FINDINGS
1. Whether the reference in question is tenable in law ?	Yes
2. Whether this reference is time barred ?	No
3. Whether no industrial dispute exists between the present parties ?	The Dispute exists.
3. Whether no relationship of employee and employer existed between the present workman and the present management ?	The relationship exists.
4. Whether no industrial dispute exists between the present parties ?	The Dispute exists
5. Whether the provisions of the industrial Disputes Act of 1947 were not folled by the Management before terminating the services of the workmen ?	Yes.
6. Whether the Management of Central Railway Victoria Terminus, Bombay is justified in terminating the services of Shri Subhash Raghunath Rao Igule, Mechanic in the Deptt. of Chief Telecom Inspector (Constructions) Sion, w.e.f. 18-12-83 ?	No.
7. If not what relief he is entitled to and from what date ?	Reinstatement with full back wages and continuity from the date of termination.

8. What Award ?

As per final order.

REASONS

7. The management filed purshis (Exhibit-(8) that he does not want to lead any oral evidence in the matter. P. R. Pant, Divisional Signal & Telecom Engineer (Construction) (Ex-9) lead evidence for the management. Pant does not dispute fact that Igale had continuously worked for more than 240 days in a year. In other words he is a continuous worker.

8. In the cross-examination Pant admits the fact that in the record of service of the casual labour of the worker having No. 225706, there is an endorsement dated 19-12-83 (Left). In other words it speaks that on that date the worker left the service.

9. Pant then was shown a copy of the letter dated 11-12-86 by the CTI(C) Sion, addressed to DRM (P) SNT, Bombay. In that letter it is mentioned that he was discharged. Pant did not deny the contents of the letter. These are the two contradictions in the matter of service of the worker. Now there is a third contradiction namely the termination of the service of the worker. Pant had affirmed that the services of the workman was terminated w.e.f. 19-12-83. The termination notice was put on the notice board. He affirmed that the notice was given to the worker, but he refused to accept this. To support this contention George (Ex-11) the Time-Keeper and P. N. Kadam (Ex-12) Khalaji, deposed. They affirmed that a notice was given to the worker which he refused and then it was displayed on the notice board. The office copy of the notice is not produced on the record. The documentary evidence on the record is contrary to each other. At one stage it is mentioned that no notice was given and at another stage it is mentioned that notice was given. I therefore find it difficult to accept the testimony of these witnesses. I do not rely upon them.

10. Krishna Kumar (Exhibit-24) is working as Dy. C.S.T. (Construction) in the Head Quarters of the Central Railway. He knows the workman. He accepts that he had issued a letter dated 7-12-89 (Ex-14/1) In that letter it is categorically mentioned "the employee was retrenched from 19-12-83 after giving due warning in advance verbally. He had further mentioned that, it is seen from the record that CTI(C) Sion vide his letter No. SIN/NIC/STM/11/SR-1 dated 11-5-84 has advised that the notice of discharge was displayed on the notice board CTI (Sion). It can be seen that in the cross examination of Pant a letter written by Krishna Kumar to the Regional Labour Commissioner is produced in response to the letter addressed by the letter addressed by the Regional Labour Commissioner to the management. Krishna Kumar in his letter dated 22-1-90 in para "History of the Case" has mentioned that "Th's administration has not issued any order or given him any letter terminating his services w.e.f. 19-12-83. But he was not given any job since the entire construction work of that nature was over". It is further observed that infact at the time of his engagement no appointment letter was given to him since his engagement was only of temporary nature on daily wages and hence there was no specific appointment order.

Hence there is no question of issue of termination letter. All these averments in different documents speaks contrary to the stand taken in the written statement. Pant had not denied the averments in this letter. Under such circumstances it is difficult to accept that he was terminated with giving due notice. In other words, it has to be accepted that the worker was orally asked, not to come on duty from 19-12-83.

11. From the abovesaid discussion it can be seen that when the worker was not asked to come on duty he was not paid one months salary nor any retrenchment compensation as required to be paid under the Industrial Disputes Act of 1947. It can be seen that Krishna Kumar has used the word retrenchment in his letter dated 7-12-89. Admittedly there is no compliance of the provisions of retrenchment when the worker was retrenched from service.

12. It is tried to suggest on behalf of the management the reference in question is not tenable. For supporting this submission there is nothing on the record nor any argument was advanced to that effect. The worker was in the service of the railways as a casual labourer. The relationship of employer and employee was in existence till 19-12-83. It is tried to submit on behalf of the management that as the work was over and no other work was available to be allotted to the worker who was discharged from the service. This plea appears to be an after thought. If really that would have been the position they would have produced a copy of the notice on the record to show that they had taken such a stand. The case of the worker that he was illegally terminated without following the provisions of the Industrial Disputes Act of 1947, hence the reference is tenable. It is not in dispute that there is no provision under the Act in respect of the raising the dispute in particular period in other words there is no law of limitation. But on the basis of the settled law if it is found that it suffers from laches then the relief cannot be granted. From the record it speaks that this worker was approaching the management time and again to give him relief. Ultimately he approached the Assistant Labour Commissioner for getting the relief. Under such circumstances it cannot be said that his claim suffers from laches.

13. Krishna Kumar in his letter to the Assistant Labour Commissioner had mentioned that at the time of his initial engagement since the work was of a very casual nature his reference were not verified. Subsequently it came to know from the records that the applicant was over aged and he was not eligible for any Government service. So far as that position is concerned the management can very well take a departmental action against him. If he is found guilty naturally he will not be entitled to any of the monetary and other reliefs and he will face the consequences. But so far as the present proceeding is concerned I have to see whether the worker was in continuous service as contemplated under the act and whether he was terminated following procedure contemplated under the Act. Herein this case as observed above nothing is done by the management to comply the provisions of the Act. Under such circumstances the action of the management is not just and

proper. The result is that the worker is entitled to reinstatement in service with full back wages and continuity. I record my findings on the issues accordingly and pass the following order :

ORDER

The management of Central Railway, Victoria Terminus Bombay is not justified in terminating the services of Shri Subhash Raghunath Rao Igale, Mechanic in the Department of Chief Telecom Inspector (Construction) w.e.f. 18-12-1983.

The management is directed to reinstate the worker from the date of his termination, with continuity and is further directed to pay him all monetary benefits which he is entitled to.

S. B. PANSE, Presiding Officer

नई दिल्ली, 10 अक्टूबर, 1996

का. आ. 3065.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस. सी. सी. एल. के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में, केन्द्रीय सरकार औद्योगिक अधिकरण द्वारा वाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 8-10-96 को प्राप्त हुआ था।

[संख्या एल.-22012/384/94-आईआर सी-II]
राजा लाल, डेस्क अधिकारी

New Delhi, the 10th October, 1996

S.O. 3065.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Hyderabad as shown in the Annexure in the industrial dispute between the employers in relation to the management of S.C.C. Ltd. and their workman, which was received by the Central Government on 8-10-1996.

[No. L-22012/384/94-IRC.II]
RAJA LAL, Desk Officer

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL—I AT
HYDERABAD

PRESENT :

Sri V. V. Raghavan, B.A., LL.B., Industrial Tribunal-I.

Dated : 9th day of August, 1996

INDUSTRIAL DISPUTE NO. 17 of 1995

नई दिल्ली, 10 अक्टूबर, 1996

BETWEEN

The General Secretary, Singareni
Collieries Labour Union (INTUC),
Bellampalli, Dist'nct : Adilabad .. Petitioner

AND

The General Manager, Singareni
Collieries Co. Ltd., Mandamarri,
District : Adilabad. .. Respondent

APPEARANCES:

Sri R. N. Reddy, Advocate—for the Petitioner
M/s. K. Srinivasa Murty & G. Sudha, Ad-
vocates - for the Respondent.

AWARD

This is a reference made by the Govt. of India, Ministry of Labour, New Delhi by its Order No. L-22012(384)/94-IR. C.II Dt. 5-12-1994 under Sections 10(1)(d) & 2A of Industrial Disputes Act, 1947 for adjudication of Industrial Dispute mentioned in its Schedule which reads as follows :

"Whether the action of the management of SCCL in terminating the services of Shri V. Brahmchari Ex. Badli Filler Kk5 Incline, SCCL Mandamarri without offering any opportunity against the principles of natural justice and in violation of Clause No. 13(a)(2) of the Company's Certified Standing Orders is legal and justified? If not to what relief is the workman entitled to?"

2. After receipt of the said reference, this Tribunal issued notice to both the parties and they have acknowledged the notice. The claim Statement was received by post from the Petitioner. The Advocates for both parties have filed their Vekalats. Subsequently the counter has been filed by the Respondent on 26-7-95. The case was adjourned from time to time but both parties were not ready for enquiry. On 9-8-1996 both parties as well as their Advocates are called absent and no representations are made on their behalf. Hence it is found that both parties are not evincing any interest to prosecute the matter.

3. On a perusal of the docket sheet, from 8-9-95 to till date both parties are not evincing any interest in prosecuting the matter. Hence there is no option except to close the reference. Hence the I. D. is closed.

Given under my hand and the seal of this Tribunal this the 9th day of August, 1996.

V. V. RAGHAVAN, Industrial Tribunal-I.

Appendix of evidence

No oral or documentary evidence is produced by both the parties.

का. मा. 3066.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस सी सी एल के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में, केन्द्रीय सरकार औद्योगिक अधिकरण, हैदराबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 8-10-96 को प्राप्त हुआ था।

[संख्या एल.-22012/330/94-आईआर (सी-II)
राजा लाल, डेस्क अधिकारी

New Delhi, the 10th October, 1996

S.O. 3066.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Hyderabad as shown in the Annexure in the industrial dispute between the employers in relation to the management of S.C.C. Ltd. and their workmen, which was received by the Central Government on 8-10-1996.

[No. L-22012/330/94-IR CII]

RAJA LAL, Desk Officer.

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL-I AT HYDERABAD

PRESENT :

Sri V. V. Raghavan, B.A., LL.B.,
Industrial Tribunal-I

Dated : 9th day of August, 1996

INDUSTRIAL DISPUTE NO. 2 OF 1995

BETWEEN

The General Secretary, Singareni Collieries
Labour Union (INTUC), Bellampalli,
Adilabad (District) .. Petitioner

And

The General Manager, S.C. Co. Ltd.,
Mandamarri, Adilabad (Dist.) .. Respondent

Appearances : Sri R. N. Reddy, Advocate for the
Petitioner

M/s. K. Srinivasa Murty, & G.
Sudha, Advocates for the
Respondent.

AWARD

This is a reference made by the Govt. of India, Ministry of Labour, New Delhi by its Order No. L-22012/330/94-I.R.C. II, dated 5-12-1994 under

sioner Sections 10(1)(d) & 29 Industrial Act, 1947 for adjudication of Industrial Dispute mentioned in its schedule which reads as follows :

"Whether the action of the management of SCCL in terminating the services of Shri Neruetti Kumaraswamy Ex. Badli Filler KK5 Incline SCCL Mandamarri without offering any opportunity against the principles of natural justice and in violation of clause No. 13(a)(2) of the Company's Certified Standing Orders is legal and justified? If not to what relief is the workman entitled to?"

2. After receipt of the said reference, this Tribunal issued notice to both the parties and they have acknowledged the notice. The claim statement was received by post from the petitioner. On 4-3-1995 the respondent did not appear before this Tribunal and hence set the respondent was ex-parte. Subsequently the Respondent filed a petition to set aside the ex-parte order dt. 4-3-1995 alongwith the counter of the Respondent and the same was allowed on 13-6-1995. The Advocate for the petitioner filed his vakalat and requested time for enquiry. The case was adjourned from time to time but both parties were not ready for enquiry. On 9-8-1996 both parties as well as their Advocates are called absent and no representations are made on their behalf. Hence it is found that both parties are not evincing any interest to prosecute the matter.

3. On a perusal of the docket sheet from 18-10-1995 to till date both parties are not evincing any interest in prosecuting the matter. Hence there is no option except to close the reference. Hence the I.D. is closed.

Given under my hand and the seal of this Tribunal this the 9th day of August, 1996.

V. V. RAGHAVAN, Industrial Tribunal-I
Appendix of evidence.

No oral or documentary evidence is made by both the parties.

नई दिल्ली, 10 अक्टूबर, 1996

का.आ. 3067.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस सी सी एल के प्रबन्धन के संयुक्त नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निदिष्ट औद्योगिक विवाद में, केन्द्रीय सरकार औद्योगिक अधिकरण, हैदराबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 8-10-96 को प्राप्त हुआ था।

[संख्या एल-22012/383/94-आई आर सी-II]

राजा लाल, डेस्क अधिकारी

New Delhi, the 10th October, 1996

S.O. 3067.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal Hyderabad as shown in the Annexure in the industrial dispute between the employers in relation to the management of S.C.C. Ltd. and their workmen, which was received by the Central Government on 8-10-1996.

[No. L-22012/383/94-IR CII]

RAJA LAL, Desk Officer.

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL-I AT HYDERABAD

Present : Sri V. V. Raghavan, B.A., LL.B.,
Industrial Tribunal-I

Dated : 9th day of August, 1996

INDUSTRIAL DISPUTE NO. 16 OF 1995

Between

General Secretary, Singareni Collieries
Labour Union (INTUC), Bellampalli,
District : Adilabad .. Petitioner

And

The General Manager, Singareni
Collieries Co. Ltd., Mandamarri,
District : Adilabad .. Respondent

Appearances : Sri R. N. Reddy, Advocate for
Petitioner.

M/s. K. Srinivasa Murty & G. Sudha,
Advocates for Respondent.

AWARD

This is a reference made by the Govt. of India, Ministry of Labour, New Delhi by its Order No. L-22012(383)/94-IR.C.II dt. 5-12-1994 under Sections 10(1)(d) & 2A of Industrial Disputes Act, 1947 for adjudication of Industrial Dispute mentioned in its schedule which reads as follows :

"Whether the action of the management of SCCL in terminating the services of Shri Bellampalli Laxman Goud Ex. Badli Filler, KK5 Incline, SCCL Mandamarri without offering any opportunity against the principles of natural justice and in violation of Clause No. 13(a)(2) of the Company's Certified Standing Orders is legal and justified? If not, what relief is the workman entitled to?"

2. After receipt of the said reference, this Tribunal issued notice to both the parties and they have acknowledged the notice. The claim statement was received by post from the Petitioner. The Advocates for

both parties have filed their Vakalats. Subsequently the counter has been filed by the Respondent on 26-7-1995. The case was adjourned from time to time but both parties were not ready for enquiry. On 9-8-1996 both parties as well as their Advocates are called absent and no representations are made on their behalf. Hence it is found that both parties are not evincing any interest to prosecute the matter.

3. On a perusal of the docket sheet, from 8-9-1995 to till date both parties are not evincing any interest in prosecuting the matter. Hence there is no option except to close the reference. Hence the I.D. is closed.

Given under my hand and the seal of this Tribunal this the 9th day of August, 1996.

V. V. RAGHAVAN, Industrial Tribunal-I,
APPENDIX OF EVIDENCE

No oral or documentary evidence is produced by both the parties.

नई दिल्ली, 10 अक्टूबर, 1996

का.प्र. 3068 औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस.सी.सी.एल. के प्रबन्धन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निम्नलिखित औद्योगिक विवाद में, केन्द्रीय सरकार औद्योगिक अधिकरण, हैदराबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 8-10-96 को प्राप्त हुआ था।

[संख्या एल-22012/382/94-आई आर सी-II]

राजा लाल, डेस्क अधिकारी

New Delhi, the 10th October, 1996

S.O. 3068.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Industrial Tribunal, Hyderabad as shown in the Annexure in the industrial dispute between the employers in relation to the management of S.C.C. Ltd. and their workmen, which was received by the Central Government on 8-10-96.

[No. 1-22012/382/94-IR C-II]

RAJA LAL, Desk Officer

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL-I AT
HYDERABAD

Dated, the 9th day of August, 1996

PRESENT :

Industrial Dispute No. 15 of 1995

BETWEEN

The General Secretary, Singareni Collieries
Labour Union (INTUC), Bellampalli, Dis-
trict, Adilabad . . .Petitioner

AND

The General Manager, Singareni Collieries Co.
Ltd., Mandamarri, District, Adilabad
. . .Respondent

APPEARANCES :

Sri R. N. Reddy, Advocate for the Petitioner
S/Sri K. Srinivasa Murthy & G. Sudha,
Advocates for Respondent.

AWARD

This is a reference made by the Govt. of India, Ministry of Labour, New Delhi by its Order No L-22012(382)/94-IR.C.II, dated 5-12-1994 under Section 10(1)(d) & 2A of Industrial Disputes Act, 1947 for adjudication of Industrial Dispute mentioned in schedule which reads as follows :

“Whether the action of the management of SCCL in terminating the services of Shri P. Sahedar Reddy Ex. Badli Filler, KK5 Incline, SCCL Mandamarri without offering any opportunity against the principles of natural justice and in violation of clause No. 13(a)(2) of the Company's Certified Standing Orders is legal and justified ? If not to what relief is the workman entitled to ?”

2. After receipt of the said reference, this Tribunal issued notice to both the parties and they have acknowledged the notice. The claim statement was received by post from the Petitioner. The Advocates for both parties have filed their vakalats. Subsequently the counter has been filed by the Respondent on 26-7-1995. The case was adjourned from time to time but both parties were not ready for enquiry. On 9-8-1996 both parties as well as their Advocates are called absent and no representations are made on their behalf. Hence it is found that both parties are not evincing any interest to prosecute the matter.

3. On a perusal of the docket sheet from 8-9-95 to till date both parties are not evincing any interest in prosecuting the matter. Hence there is no option except to close the reference. Hence the I.D. is closed.

Given under my hand and the seal of this Tribunal this the 9th day of August, 1996.

V. V. RAGHAVAN, Industrial Tribunal-I

APPENDIX OF EVIDENCE

No oral or documentary evidence is produced by both the parties.

नई दिल्ली, 10 अक्टूबर, 1996

का.आ. 3069.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस्.सी.सी.एल. के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निदिष्ट औद्योगिक विवाद में, केन्द्रीय सरकार औद्योगिक अधिकरण, हैदराबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 8-10-96 को प्राप्त हुआ था।

[संख्या एल-22012/381/94 आई आर सी II]

राजा लाल, डेस्क अधिकारी

New Delhi, the 10th October, 1996

S.O. 3069.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Industrial Tribunal, Hyderabad as shown in the Annexure in the industrial dispute between the employers in relation to the management of S.C.C. Ltd. and their workmen, which was received by the Central Government on 8-10-96.

[No. L-22012/381/94-IR.C-II]

RAJA LAL, Desk Officer

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL-I AT HYDERABAD

PRESENT :

Sri V. V. Raghavan, B.A., LL.B., Industrial Tribunal-I.

Dated, the 9th day of August, 1996

INDUSTRIAL DISPUTE NO. 14 OF 1995

BETWEEN

The General Secretary, Singareni Collieries Labour Union (INTUC), Bellampalli, District, Adilabad

..Petitioner

AND

The General Manager, Singareni Collieries Co. Ltd., Mandamarri, District, Adilabad

..Respondent

APPEARANCES :

Sri R. N. Reddy, Advocate for the Petitioner
S/Sri K. Srinivasa Murty & G. Sudha, Advocates for Respondent.

AWARD

This is a reference made by the Govt. of India, Ministry of Labour, New Delhi by its Order No. L-22012(381)/94-IR C. II, dated 12-12-94 under Section 10(1)(d) & 2A of Industrial Disputes Act, 1947 for adjudication of Industrial Dispute mentioned in its schedule which reads as follows :

“Whether the action of the management of SCCL in terminating services of Shri

Thippani Saraiiah Ex. Badli Filler, KK 5 Incline, S.C.C.L. Mandamarri Without offering any opportunity against the principles of natural justice and in violation of Clause No. 13(a)(2) of the Company's Certified Standing Orders is legal and justified ? If not to what relief is the workman entitled to ?”

2. After receipt of the said reference, this Tribunal issued notice to both the parties and they have acknowledged the notice. The claim statement was received by post from the Petitioner. The Advocates for both parties have filed their vakalats. Subsequently the counter has been filed by the Respondent on 26-7-1995. The case was adjourned from time to time but both parties were not ready for enquiry. On 9-8-1996 both parties as well as their Advocates are called absent and no representations are made on their behalf. Hence it is found that both parties are not evincing any interest to prosecute the matter.

3. On a perusal of the docket sheet from 8-9-95 to till date both parties are not evincing any interest in prosecuting the matter. Hence there is option except to close the reference. Hence the I.D. is closed.

Given under my hand and the seal of this Tribunal this the 9th day of August, 1996.

V. V. RAGHAVAN, Industrial Tribunal-I Hyd.

APPENDIX OF EVIDENCE

No oral or documentary evidence is produced by both the parties.

नई दिल्ली, 10 अक्टूबर, 1996

का.आ. 3070 औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस्.सी.सी.एल. के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निदिष्ट औद्योगिक विवाद में, केन्द्रीय सरकार औद्योगिक अधिकरण, हैदराबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 8-10-96 को प्राप्त हुआ था।

[संख्या एल-22012/379/94-आई आर सी II]

राजा लाल, डेस्क अधिकारी

New Delhi, the 10th October, 1996

S.O. 3070.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Industrial Tribunal, Hyderabad as shown in the Annexure in the industrial dispute between the em-

ployers in relation to the management of S.C.C. Ltd. and their workmen, which was received by the Central Government on 8-10-96.

[No. L-22012/379/94-IR-C.II]

RAJA LAL, Desk Officer

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL-I AT HYDERABAD

PRESENT :

Sri V. V. Paghavan, B.A., LL.B., Industrial Tribunal-I,

Dated, the 9th day of August, 1996

Industrial Dispute No. 13 of 1995

BETWEEN

The General Secretary, Singareni Collieries Labour Union (INTUC), Bellampalli, District, Adilabad
.. Petitioner

AND

The General Manager, Singareni Collieries Co. Ltd., Mandamarri, District, Adilabad
.. Respondent

APPEARANCES :

Sri R. N. Reddy, Advocate for the Petitioner
S/Sri K. Srinivasa Murty & G. Sudha,
Advocates for Respondent.

AWARD

This is a reference made by the Govt. of India, Ministry of Labour, New Delhi by its Order No. L-22012(379)/94-IR, C. II, dt. 12-12-1994 under Section 10(1)(d) & 8A of Industrial Disputes Act, 1947 for adjudication of Industrial Dispute mentioned in its schedule which reads as follows :

"Whether the action of the management of SCCL in terminating the services of Shri Karvena Bapu Reddy Ex. Badli Filler, KK5 Incline, SCCL Mandamarri without offering any opportunity against the principles of natural justice and in violation of Clause No. 13(a)(2) of the Company's Certified Standing Orders is legal and justified ? If not to what relief is the workman entitled to ?"

2. After receipt of the said reference, this Tribunal issued notice to both the parties and they

have acknowledged the notice. The claim statement was received by post from the Petitioner. The Advocates for both parties have filed their vakalats. Subsequently the counter has been filed by the Respondent on 26-7-1995. The case was adjourned from time to time but both parties were not ready for enquiry. On 9-8-1996 both parties as well as their Advocates are called absent and no representations are made on their behalf. Hence it is found that both parties are not evincing any interest to prosecute the matter.

3. On a perusal of the docket sheet from 8-9-95 to till date both parties are not evincing any interest in prosecuting the matter. Hence there is no option except to close the reference. Hence the I.D. is closed.

Given under my hand and the seal of this Tribunal this the 9th day of August, 1996.

V. V. RAGHAVAN, Industrial Tribunal-I Hyd.

APPENDIX OF EVIDENCE

No oral or documentary evidence is produced by both the parties.

नई दिल्ली, 10 अक्टूबर, 1996

का.आ. 3071.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस सी सी एल के प्रबन्धन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निम्नलिखित औद्योगिक विवाद में, केन्द्रीय सरकार औद्योगिक अधिवरण, हैदराबाद के पंचपट की प्रकाशित करती है, जो केन्द्रीय सरकार को 8-10-96 को प्राप्त हुआ था।

[संख्या एल-22012/378/94-आई आर सी II]

राजा लाल, डेस्क अधिकारी

New Delhi, the 10th October, 1996

S.O. 3071.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Industrial Tribunal, Hyderabad as shown in the Annexure in the industrial dispute between the employers in relation to the management of S.C.C. Ltd. and their workmen, which was received by the Central Government on 8-10-96.

[No. I-22012/381/94-IR-C.-II]

RAJA LAL, Desk Officer

ANNEXURE**BEFORE THE INDUSTRIAL TRIBUNAL-I AT
HYDERABAD****PRESENT :**

Sri V. V. Raghavan, B.A., LL.B., Industrial
Tribunal-I.

Dated, the 9th day of August, 1996

INDUSTRIAL DISPUTE NO. 12 OF 1995

BETWEEN

The General Secretary, Singareni Collieries
Labour Union (INTUC), Bellampalli, Dis-
trict, Adilabad ... Petitioner

AND

The General Manager, Singareni Collieries Co.
Ltd., Mandamarri, District, Adilabad

... Respondent

APPEARANCES :

Sri R. N. Reddy, Advocate for the Petitioner
M/s. K. Srinivasa Murty and G. Sudha,
Advocates for Respondent.

AWARD

This is a reference made by the Govt. of India, Ministry of Labour, New Delhi by its Order No. L-22012(378)/94-IR. C. II, dated 12-12-1994 under Sections 10(1)(d) and 2-A of Industrial Disputes Act, 1947 for adjudication of Industrial Dispute mentioned in its schedule which reads as follows :

"Whether the action of the management of SCCL in terminating the services of Shri Dagati Ramachander Ex. Badli Filler K.K.25 Incline, SCCL, Mandamarri without offering any opportunity against the principles of natural justice and in violation of Clause No. 13(a)(2) of the Company's Certified Standing Orders is legal and justified? If not to what relief is the workman entitled to?"

2. After receipt of the said reference, this Tribunal issued notice to both the parties and they have acknowledged the notice. The claim statement was received by post from the Petitioner. The Advocates for both parties have filed their vakalats. Subsequently the counter has been filed by the Respondent on 26-7-1995. The case was adjourned from time to time but both parties were not ready for enquiry. On 9-8-1996 both parties as well as their Advocates are called absent and no representations are made on their behalf. Hence it is found that both parties are not evincing any interest to prosecute the matter.

3. On a perusal of the docket sheet from 8-9-95 to till date both parties are not evincing any interest in prosecuting the matter. Hence there is no option except to close the reference. Hence the I.D. is closed.

2563 GI/96--12

Given under my hand and the seal of this Tribunal this the 9th day of August, 1996.

V. V. RAGHAVAN, Industrial Tribunal-I Hyd.

APPENDIX OF EVIDENCE

No oral or documentary evidence is produced by both the parties.

नई दिल्ली, 10 अक्टूबर, 1996

का.आ. 3072.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस सी सी एन के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुवन्ध में निम्नलिखित औद्योगिक विवाद में, केन्द्रीय सरकार औद्योगिक अधिकरण, हैदराबाद के पंचपद को प्रकाशित करती है, जो केन्द्रीय सरकार को 8-10-96 को प्राप्त हुआ था।

[संख्या एन-22012/377/94 आई आर सी II]

राजा लाल, डेस्क अधिकारी

New Delhi, the 10th October, 1996

S.O. 3072.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Hyderabad as shown in the Annexure in the industrial dispute between the employers in relation to the management of S.C.C. Ltd. and their workman, which was received by the Central Government on 8-10-1996.

[No. L-22012/377/94-IR. C. II]

RAJA LAL, Desk Officer

ANNEXURE**BEFORE THE INDUSTRIAL TRIBUNAL-I AT
HYDERABAD****PRESENT :**

Shri V.V. Raghavan, B.A., LL.B.,
Industrial Tribunal-I.

Dated: 9th day of August, 1996

Industrial Dispute No. 11 of 1995

BETWEEN :

The General Secretary, Singareni Collieries,
Labour Union (INTUC), Bellampalli
District Adilabad. ... PETITIONER.

AND

The General Manager, Singareni Collieries
Co. Ltd., Mandamarri,
District Adilabad ... RESPONDENT

APPEARANCES :

Sri R. N. Reddy, Advocate for the Petitioner.
M/s. K. Srinivasa Murty & G. Sudha, Advocates
for Respondent.

AWARD

This is a reference made by the Govt. of India, Ministry of Labour, New Delhi by its Order No. L-22012/377/94-IR. C-II Dt. 12-12-1994 under Sec

tions 10(1)(d) & 2A of Industrial Disputes Act, 1947 for adjudication of Industrial Dispute mentioned in its schedule which reads as follows :

“Whether the action of the management of SCCL in terminating the services of Shri M. Raji Reddy Ex. Badli Filler KK5 Incline, SCCL Mandamarri without offering any opportunity against the principles of natural justice and in violation of clause No. 13(a)(2) of the Company's certified standing Orders is legal and justified ? If not to what relief is the workman entitled to ?”

2. After receipt of the said reference, this Tribunal issued notice to both the parties and they have acknowledged the notice. The claim statement was received by post from the petitioner. The Advocates for both parties have filed their Vakalats. Subsequently the counter has been filed by the Respondent on 26-7-1995. The case was adjourned from time to time but both parties were not ready for enquiry. On 9-8-1996 both parties as well as their Advocates are called absent and no representations are made on their behalf. Hence it is found that both parties are not evincing any interest to prosecute the matter.

3. On a perusal of the docket sheet from 8-9-1995 to till date both parties are not evincing any interest in prosecuting the matter. Hence there is option except to close the reference. Hence the I.D. is closed.

Given under my hand and the seal of this Tribunal this the 9th day of August, 1996.

V. V. RAGHAVAN, Industrial Tribunal-I.

Appendix of evidence

No oral or documentary evidence is produced by both the parties.

नई दिल्ली, 4 अक्टूबर, 1996

का.आ. 3073.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस सी सी एन के प्रवर्तन के संघर्ष नियोजकों और उनके कम-कारों के बीच, अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में, औद्योगिक अधिकरण, हैदराबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 1 अक्टूबर, 1996 को प्राप्त हुआ था ।

[संख्या एल-22012/258/93-आईआर (सी-II)]

राजा लाल, डैस्क अधिकारी

New Delhi, the 4th October, 1996

S.O. 3073.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Hyderabad as shown in the Annexure in the Industrial dispute between the em-

ployers in relation to the management of S.C.C. Ltd. and their workmen, which was received by the Central Government on the 1-10-96.

[No. L-22012/258/93-IR (C-II)]

RAJA LAL, Desk Officer

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL - I
AT HYDERABAD

PRESENT :

Sri V. V. Raghavan, B.A., LL.B.,
Industrial Tribunal-I.

Dated : 12th August, 1996

Industrial Dispute No. 46 of 1993

BETWEEN :

The Chief Vice President (AITUC)
S.C. Workers Union, Bellamvalli,
Dist. Adilabad ... PETITIONER

AND

The General Manager, S.C. Co. Ltd.,
Mandamarri Area,
P.O. Kalvanikhani,
Dist. Adilabad ... RESPONDENT

APPEARANCES :

Sri B. Gangaram, Chief Vice President,
S.C. Workers Union for Petitioner.

M/s. K. Srinivasa Murthy and G. Sudha,
Advocates for the Respondent.

AWARD

The Government of India, Ministry of Labour, New Delhi made a reference to this Tribunal by its Order No. L-22012/258/93-IR(C. II) dt. 13-12-1993 under Section 10(1)(d) & 2A of the Industrial Disputes Act, 1947 for adjudication of the industrial dispute mentioned in its schedule which reads as follows :

“Whether the action of the Management of M/s. S.C.C. Ltd. in not promoting Shri Boga Posham, Trammer, Cat. IV KK 2A Incline to the post of Junior Grade Munshi in violation of Company's existing practice in vogue is legal and justified ? If not, to what relief the workman entitled to ?”

This reference has been registered as Industrial Dispute No. 46 of 1993, on the file of this Tribunal.

2. The Petitioner-Union filed the claim statement of 15-2-1994 and the Respondent-Management filed its counter on 25-11-1994, and the matter was posted for enquiry. Subsequently the petitioner-Union examined W.W.1 and marked documents Ext. W1 to W.6. After the case was posted for evidence of the Respondent-Management on 19-6-1996 both parties submitted a joint memo stating that talks of compromise are going on and wanted time to report settlement. Subsequently on 12-8-1996 a compromise

memo was filed by both the parties alongwith terms of settlement dt. 12-8-1996 and admitted the terms of compromise. The memo is recorded.

3. In view of the settlement there is no need to adjudicate upon any issue by this Tribunal as the parties have arrived at a settlement in respect of the issue involved in the present industrial dispute out of Court. In view of keeping peace and harmony in the industry and to keep good relationship between the workmen and the management, the settlement has been recorded.

4. In the result, the Award is passed in terms of settlement dt. 12-8-1996 entered into between the parties as per the Memo of compromise filed by both the parties. The said memo of compromise is appended to this Award.

Typed to my dictation, given under my hand and the seal of this Tribunal, this the 12th day of August, 1996.

V. V. RAGHAVAN, Industrial Tribunal-I

Appendix of evidence

Witnesses examined for
Petitioner

W.W.1 Boga Posham

Witnesses examined for
Respondent

NIL

Documents marked on behalf of the Petitioner

Ex. W1 9-11-90 Xerox copy of office order issued to Mangani Guruviah.

Ex. W2 29-11-90 Copy of the D.O. Letter addressed to Sri D. T. Krishna, General Manager, S. C. Co. Ltd., Mandamarri Area.

Ex. W-3 28-6-91 Xerox copy of the Office Order promoting Chita Ragi Reddy to Jr. Grade Munshi.

Ex. W4 1-4-92 Copy of the representation given to Asst. Labour Commissioner, Mancherial

Ex. W5 — Minutes of conciliaaion.

Ex. W6 31-3-93 Conciliation failure report.

BEFORE THE INDUSTRIAL TRIBUNAL-I
AT HYDERABAD, A.P.

I. D. 46 of 1993

BETWEEN :

The Chief Vice-President,
S.C. Workers Union, and ...Petitioner

AND

The Management of S.C. Co. Ltd.,
Mandamarri Area ... Respondent

We have to submit that we have arrived a mutual settlement outside the Court and we are filing

1+7(8) copied of settlement before the Hon'ble Tribunal in I. D. No. 46 of 1993.

Therefore we pray the Hon'ble Tribunal to consider over this and pass Award in I.D. 46 of 1993 basing on the terms of the settlement filed before the tribunal.

B. GANGARAM,

Chief Vice-President

S. C. Workers Union
for Petitioner

B. I. VIJAYA KUMAR,

Personnel Officer,

S. C. Co., Uimited,

Mandamarri area

for Respondent.

Hyderabad, A.P.

Date : 12-08-1996.

BEFORE THE HON'BLE INDUSTRIAL
TRIBUNAL, HYDERABAD

BETWEEN :

The workman Sri Boga Posham,
represented by Sri B. Ganga Ram,
Chief Vice-President, S.C. Worker's Union
Belampalli, Adilabad Dist.

... Petitioner-Workman

Vs.

The Management of S. C. Co. Ltd.,
Mandamarri Area represented by
General Manager, Mandamarri Area.

... Respondent-Management

COMPROMISE MEMO FILED BY BOTH
THE PARTIES

It is respectfully submitted that the Chief Vice-President, Singareni Collieries workers, Union (AITUC) raised an Industrial Dispute before the Asstt. Labour Commissioner (C), Mancherial, demanding that Sri Boga Posham, Trammer category-IV of KK. 2A Incline, should be promoted as Jr. Grade Munshi as he has continuously acted in the said post for 3 years in 1987, 1988 and 1989, with retrospective effect.

Consequent on failure of conciliation proceedings, this matter was referred to Industrial Tribunal, Hyderabad wherein it was registered as I.D. No. 46/93 with the following scheduled of reference :

"Whether the action of the Management of S.C. Co. Ltd., in not promoting Sri Boga Posham, Trammer Category-IV KK. 2A Incline to the post of Jr. Grade Munshi in violation of Company's existing practice in vogue is legal and justified? If not to what relief the workman entitled to?"

While dispute is pending before the Industrial Tribunal, Hyderabad, for enquiry, the petitioner

workman through his representative Sri B. Ganga Ram, Chief Vice-President, S.C.W. Union has come forward for settlement of the dispute by entering into an amicable settlement. After prolonged discussions between the representative of the Petitioner workman (and the Petitioner workman) and the Management, the above Industrial Dispute is settled mutually on the following terms :—

TERMS OF SETTLEMENT

1. Management agreed to promote Sri Boga Posham Prammer Category-IV with effect from 1-3-1995 notionally allowing monetary benefit from 1-3-1996.
2. The Petitioner workman expressly agreed not to claim any arrears for the period from 1-3-1995 to 29-2-1996 and agreed not to raise any further disputes over the matter in any Court of Law or authority.

Both the parties agreed to the above terms of settlement with free will and consent and signed the above settlement.

It is prayed that, the Hon'ble Industrial Tribunal may be pleased to dispose of this Industrial Dispute in terms of the above settlement and pass necessary orders as it deems fit and proper.

PETITIONER EMPLOYEE

B. GANGA RAM

Chief Vice-President,

S. C. W. Union

representing the Petitioner

workman Mr Boga Posham.

RESPONDENT MANAGEMENT

B. I. VIJAYA KUMAR,

Personnel Officer & Case Officer

Representing General Manager,

M/s S. C. Co. Ltd., Mandamari,

BOGA POSHAM

Petitioner Workman.

Witnesses :—

Place : Hyderabad

Date : 12-8-96.

नई दिल्ली, 4 अक्टूबर, 1996

का.आ. 3074 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार डब्ल्यू.सी.एन.के प्रवर्धन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबध में निविष्ट औद्योगिक विवाद में, केन्द्रीय सरकार औद्योगिक अधिकरण, बम्बई नं० 2 के पंचपट के प्रकाशित करती है, जो केन्द्रीय सरकार को 1-10-96 को प्राप्त हुआ था।

[संख्या एल-22012/448/91-आई आर-(सी II)]

राजा लाल, डेस्क अधिकारी

New Delhi, the 4th October, 1996

S.O.3074.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal Bombay No. 2, as shown in the Annexure in the industrial dispute between the employers in relation to the management of W. C. Ltd., and their workman, which was received by the Central Government on 1-10-96.

[No. L-22012/448/91-IR(C-II)]
RAJA LAL, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL No. 2, MUMBAI

PRESENT :

Sri S. B. Panse, Presiding Officer
Reference No. CGIT-2/45 of 1992

Employers in relation to the Management of Rajur Colliery of W.C. Ltd.,

AND

Their Workmen

APPEARANCES :

For the Employer.—Mr. G. S. Kapur, Advocate & Mr. P. Subramani Representative.

For the Workman—No Appearance

CAMP At Nagpur, dated 5th September, 1996

AWARD

The Government of India, Ministry of Labour by its order No. L-22012/448/91-IR(C-II) dated 18-6-92 had referred to the following Industrial Dispute for adjudication.

“Whether the termination of the service of Sri Raju Devidas Dahule, Casual Loader from 8-4-1990 in spite of having sick certificate issued by the WCL, Medical Officer, Rajpur Colliery is legal and justified? If not, to what relief the concerned workman is entitled to?”

2. The worker filed a statement of claim at Exhibit-3. He pleaded that he was appointed as a casual labourer at Rajur Colliery on 3-1-85. He did different jobs. After completing required attendance he was required to be regularised in time rated worker. But he was regularised as a loader. It is submitted that due to his job of a loader he fell sick. In the year 1988 his service were terminated without any enquiry. He pleaded that due to the settlement he was reinstated as a permanent loader. It is averred that the management had wrongly shown his attendance. It is submitted that thereafter without holding any proper inquiry he was terminated from service. He submitted that if his sick leave is calculated his attendance is sufficient. He prays under such circumstance he may be reinstated in service with all monetary benefits.

3. The management resisted the claim by the written statement, Exhibit-7. It is pleaded that the action of the management is legal and proper. It is averred that the attendance of the worker was not as per the terms of the appointment. He was informed that his work is unsatisfactory. It is averred that if the Tribunal comes to the conclusion that proper opportunity was not given to the worker the management may be allowed to lead evidence to satisfy the Tribunal regarding its action. It is submitted that attendance of the worker was very poor. It is submitted that under such circumstances that reference may be answered in favour of the management.

4. The worker filed rejoinder at Ex-8. and reiterated the contentions taken in the statement of claim.

5. I may mention that the worker had said a statement of claim, rejoinder and other correspondence by post. He had requested the Tribunal that his matter may be heard at Nagpur.

6. In last November when I was holding the camp at Nagpur he was informed regarding the hearing dates. He remained absent. Thereafter the matter was postponed to the next sitting at Nagpur, for his convenience.

7. The parties thereafter informed the hearing date i.e. 2-9-96 which was to be held at Nagpur. The representative of the management remained present, but so far as the worker is concerned his notice which was sent by registered post A.D. came back, with the endorsement that address has changed the address and the changed address is not known. The worker was not present on 2-9-96, 3-9-96 and also today. As he has changed his address it was his duty to intimate the Tribunal regarding its change. It appears that he had chosen not to proceed any further. It is reported by the management that the worker is a driver and they had not seen him in the colony. But it is learnt, that he was shifted to Wani. Infact it was the responsibility of the worker to make inquiry in respect of hearing of the date which he did not. I do not find any justification for adjourning the matter. Hence forth. In the result I pass the following order ;

ORDER

The action of the management in terminating the service of Shri Raju Devidas Dahule is legal and justified.

S. B. PANSE, Presiding Officer

नई दिल्ली, 4 अक्टूबर, 1996

का.आ. 3075 :— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार डब्ल्यू सी एल के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में, केन्द्रीय सरकार औद्योगिक अधिकरण, बम्बई नं. 2 के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 1-10-96 को प्राप्त हुआ था।

[संख्या एल-22012/345/93-आई आर (सी-II)]

राजा लाल, डेस्क अधिकारी

New Delhi, the 4th October, 1996

S.O. 3075.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal Bombay No. 2, as shown in the Annexure in the industrial dispute between the employers in relation to the management of W.C. Ltd., and their workmen, which was received by the Central Government on 1-10-96.

[No. L-22012/345/93-JR(C-II)]
RAJA LAL, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, MUMBAI

PRESENT :

Shri S. B. Panse, Presiding Officer
Reference No. CGIT-2/3 of 1994

Employers in relation to the management of Western Coalfields Limited.

AND

Their Workmen

APPEARANCES :

For the Employer.—Mr. G. S. Kapur, Advocate.

For the Workmen.—No Appearance.

CAMP at Nagpur, dated 5th September, 1996

AWARD

The Government of India Ministry of Labour by its order No. L-22012/345/93-JR(C-II) dated 19-1-94 had referred to the following Industrial Dispute for adjudication.

"Whether the action of Manager, Nakoda Incline, W.C. Ltd., Distt. Chandrapur, vide letter No. WLC/NI/

MGR/4410 dated 26-10-92 in terminating the service of Shri Sopan Linga Swami, Ex-loader Nakoda Incline, W.C. Ltd., is justified? If not, to what relief the workman is entitled to?"

2. The worker filed his statement of claim at Exhibit-3. It is submitted that the worker was wrongly charged. It is pleaded that the domestic inquiry which was held against the workman was against the principles of Natural Justice. It is asserted that the inquiry officer crossed his limit. It is averred that the worker was not understanding the inquiry as he only knew Telugu. It is pleaded that the report of the inquiry officer is perverse and the action which was taken by the management on its basis is illegal and unjustified. It is prayed that the workmen may be reinstated in service with full back wages and continuity.

3. The management resisted the claim by the written statement Exhibit-5. It is denied that the inquiry which was held against workman as not as per the principles of natural justice. It is averred that the union cannot represent the worker. It is submitted that the findings of the inquiry officer are just and proper and the action of the management is legal. It is averred that the worker is not entitled to any of the reliefs as claimed and the reference may be answered in favour of the management.

4. The worker filed rejoinder at Exhibit-7 and reiterated the contention taken by him and denied the submission made by the management in the written statement.

5. On 12-9-95 one Shri Ishwalkar filed Vakalatnama on behalf of the worker. Thereafter when the matter was at Bombay nobody appeared on behalf of the union.

6. The parties were informed the hearing dates by sending notices. They were duly served the same. But on 2-9-96 only management advocate remained present. The worker, the union nor their representative were present. The matter was adjourned to 3-9-96. The position remained the same. On that date the matter was adjourned till today. Today also there is no change in the circumstance. I may mention it here that the hearing at Nagpur is kept with the sole intention that these workers should not be put to monetary loss for ventilating their grievances and getting adjudication in respect of their Industrial disputes. The worker nor his union had taken any care to attend the Tribunal for leading their grievance. This happens in many cases. I do not know the reasons. But the fact remains that even though sufficient opportunity is given to the worker to prove his case declined to avail of the opportunity. In the result I pass the following order;

ORDER

The action of the manager, Nakoda Incline, W.C. Ltd., Chandrapur, vide letter dated. 26-10-92 in terminating the service of Shri Sopan Linga Swami, Ex-loader, Nakoda Incline W.C. Ltd. is justified.

S. B. PANSE, Presiding Officer

नई दिल्ली, 4 अक्टूबर, 1996

का.आ. 3076 :— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार डब्ल्यू सी एल के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में, केन्द्रीय सरकार औद्योगिक अधिकरण, बम्बई नं. 2 के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 1-10-96 को प्राप्त हुआ था।

[संख्या एल-12012/379/93-आई आर (सी-II)]

राजा लाल, डेस्क अधिकारी

New Delhi, 4th October, 1996

S. O. 3076.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the

Central Government hereby publishes the award of the Central Government Industrial Tribunal Bombay No. 2 as shown in the Annexure in the industrial dispute between the employers in relation to the management of W.C. Ltd. and their workmen, which was received by the Central Government on 1-10-96.

[No. L-22012/379/93-IR (C II)]

RAJA LAL, DESK OFFICER

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL NO. 2

MUMBAI

PRESENT

SHRI S.B. PANDE

PRESIDING OFFICER

REFERENCE NO. CGIT-2/28 of 1994.
EMPLOYERS IN RELATION TO THE
MANAGEMENT OF CHHINDA COLLIERY

AND

THEIR WORKMEN

APPEARANCES :

FOR THE EMPLOYER Mr. S. Suryawanshi
Representative.

FOR THE WORKMEN No Appearance.

CAMP AT NAGPUR, dated 6th September, 1996.

AWARD

The Government of India Ministry of Labour by its order No. L-22012/379/93-IR (C. II), had referred to the following Industrial Dispute for adjudication.

Ref. No. CGIT-2/28 of 1994.

"Whether the action of the management of Chhinda Colliery of Western Coalfields Ltd. Pench Area, P.O. Sirgora, Via; Parasia, Distt. Chindwara (M.P.) in dismissing Shri Harchand S/o Nokhey S.B. Attendant, Chhinda Colliery of WCL, Pench Area from services w.e.f. 20-3-92 is justified? If not, to what relief the worker is entitled to?"

2. The General Secretary of the Union filed a statement of claim for the worker. It is arred that the domestic inquiry which was held against the worker which was against the principle of natural justice. It is submitted that the action taken by the management is improper and illegal. The worker was sick and hospitalised, when he tried to attend the duty the management did not allow him to do so. It is arred that there is no justification of the action of the management. It is prayed that he may be reinstated in service with full back wages and other reliefs.

3. The management resisted the claim by the Written statement (Exhibit-8). It is averred that the worker was very much irregular in attending the duty. He was issued a chargesheet and domestic inquiry was held against him. The inquiry officer found him guilty and on its basis he was dismissed from service.

4. The parties were duly informed regarding the hearing date at Nagpur on 2/9/96. The management representative remained present but the union representative was absent. But he sent a letter (Exhibit-15) through the management informing the Tribunal that the matter may be adjourned to 3/9/96. To accomodate the worker the matter is adjourned to 3/9/96. On that day the worker nor the union remained present. The management representative was present. To accomodate the worker adjuorned the matter to 6/9/96 i.e. today. Today also the union and the worker remained absent. They have not established how the action of the management is illegal. Under such circumstances I make the following order :

ORDER

The action of the management of Chhinda Colliery of Western Coalfields Ltd., in dismissing Shri Harchand, the worker from service w.e.f. 20/3/92 is justified.

S.B. PANSE, Presiding Officer

नई दिल्ली, 4 अक्टूबर, 1996

का.आ. 3977.- औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धार 17 के अनुसरण में, केन्द्रीय सरकार डब्ल्यू सीएल के प्रबंधन के संबंध में निोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में, केन्द्रीय सरकार औद्योगिक अधिकरण, बम्बई नं. 2, के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 1-10-96 को प्राप्त हुआ था।

[संख्या एल-22012/378/93-आईआर (सी-II)]

राजा लाल, डेस्क अधिकारी

New Delhi, the 4th October, 1996

S.O. 3077.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal Bombay No. 2 as shown in the Annexure in the industrial dispute between the employers in relation to the management of W. C. Ltd. and their workmen, which was received by the Central Government on 1-10-1996.

[No. L-22012/378/93-IR(C. II)]

RAJA LAL, Desk Officer

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL NO. 2, MUMBAI****PRESENT :**

Shri S. B. Panse, Presiding Officer.

Reference No. CGIT-2/30 of 1994

Employers in relation to the Management of
Eklehra Colliery, W.C.L.**AND**

Their workmen.

APPEARANCES :For the Employer : Shri P. K. Sunny,
Representative.

For the Workmen : No appearance.

Nagpur, the 6th September, 1996

AWARD

The Government of India, Ministry of Labour by its order No. L-22012/378/93-IR(C. II), dated 21-3-94, had referred to the following Industrial Dispute for adjudication :

"Whether the action of the management of Manager, Eklehra Colliery of Western Coalfields Ltd., P.O. Eklehra Tah : Parasia, Distt. Chhindwara (M.P.) in dismissing Shri Laxmi S/o Sooplal, C.C.M. Helper, Eklehra Colliery, PO : Eklehra, Tah : Parasia, Distt. Chhindwara (M.P.) from services w.e.f. 16-7-91 is justified? If not, to what relief the worker is entitled to?"

2. The General Secretary of KKMP (HMMS) filed a statement of claim for the worker. It is pleaded that the domestic inquiry which was held against the workman was against the principle of natural justice. He submits that as he was sick he could not attend the duty in the underground mine w.e.f. 3-2-91. He could not attend the duties till 15-7-91. When he tried to join the duty he was not allowed to join. He prays that the action of the management is illegal and he may reinstated in service with full back wages and continuity.

3. The management resisted the claim by the written statement, Exhibit-4. It is averred that the inquiry which was held was against the principle of Natural Justice. It is pleaded that the dispute which is raised cannot be called as an Industrial dispute. It is averred that the worker is not entitled to any of the relief as claimed.

4. The worker through his union has filed a rejoinder at Exhibit-6 and he reiterated his stand in the statement of claim.

5. The parties were duly served with the notice of the hearing date which was 2-9-96 at Nagpur.

The Union send a letter dated 25-8-96 through management signed by the General Secretary, requesting to adjourn this reference and reference No. 28/94 to 3/9/96. I allowed the application and posted the matter on 3-9-96. On 3-9-96 the management representative was present but the union remained absent, hence the matter is adjourned today. Today also the union repeated the history of not attending the Tribunal. This conduct speaks that they are no more interested in prosecuting the matter. They have failed to prove that the action of the management is not justified in dismissing the worker. In the result I pass the following order :

ORDER

The action of the management of Eklehra Colliery in dismissing Shri Laxmi S/o Sooplal, C.C.M. Helper, Eklehra Colliery w.e.f. 16-7-91 is justified.

S B. PANSE, Presiding Officer

नई दिल्ली, 4 अक्टूबर, 1996

का.आ. 3078--औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार डब्ल्यू सीएल के प्रबंधन के संबंध में निम्नलिखित औद्योगिक विवाद में, केन्द्रीय सरकार औद्योगिक अधिकरण, बम्बई नं. 2 के पंचपट को प्रकटित करती है, जो केन्द्रीय सरकार को 1-10-96 को प्राप्त हुआ था।

[संख्या एल-22012/51/94-आई आर(सी-II)]

राजा लाल, डेस्क अधिकारी

New Delhi, the 4th October, 1996

S.O. 3078.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Bombay No. 2 as shown in the Annexure in the industrial dispute between the employers in relation to the management of W. C. Ltd. and their workmen, which was received by the Central Government on 1-10-1996.

[No. L-22012/51/94-IR(C. II)]

RAJA LAL, Desk Officer

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL NO. 2, MUMBAI****PRESENT :**

Shri S. B. Panse, Presiding Officer.

Reference No. CGIT-2/32 of 1994

Employers in relation to the management of
sub-area manager, W.C. Ltd., Nagpur.

AND

Their workmen.

APPEARANCES :

For the Employer—Mr. G. S. Kapur, Advocate & Mr. G. R. Dalne, Representative.

For the Workmen—No appearance.

Camp at Nagpur, the 5th September, 1996

AWARD

The Government of India, Ministry of Labour by its order No. L-22012(51)/94-IR(C. II) dated 24-5-94, had referred to the following Industrial Dispute for adjudication :

“Whether the action of the management of Western Coalfields Limited, Aalni Mines under Sillwera Sub-Area, Distt. Nagpur in dismission the workman with effect from 2-11-1992, is legal and justified. If not, what relief the workman is entitled to?”

2. Shri Ramesh Mahadeo filed statement of claim at Exhibit-3. It is submitted that he was falsely chargesheeted for committing theft. It is averred that a domestic inquiry was held against him which was not as per the Principles of Natural Justice. It is submitted that the findings of the inquiry officer is perverse. It is asserted that his illegal termination is on the basis of the findings of the inquiry officer. It is prayed that he may be reinstated in service in continuity with full back wages.

3. The management resisted the claim by the written statement Exhibit-6. It is denied that the inquiry was not as per the principle of natural justice. It is asserted that the inquiry officer has submitted his report finding the workman guilty of the charges. It is pleaded that the findings of the inquiry officer are well reasoned and logical. It is submitted that the action of the management is legal one and the worker is not entitled to any of the reliefs claimed.

4. In the last November, when the sitting was at Nagpur it was submitted before me that there is a likelihood of settlement, hence the matter was adjourned to 4-10-95 at Bombay. When the matter was at Bombay the workman never remained present.

5. The parties were duly issued notices regarding the camp at Nagpur. The representative of the management remained present. But the union nor the workman remained present. The matter is adjourned to 3-9-96. On that day the management filed documents, the worker and his representative were not present. The matter was adjourned to 5-9-96 i.e. till today. Today also the worker and his union was absent. From the A.D. receipt it is

very clear that the union received the notice of 14-8-96. I do not find any reason for adjourning the matter now.

6. Mr. G. R. Dalane the representative of the management submitted that there was talk of the settlement in general between the union and management, where it was decided to consider the case of absenteeism and other minor acts but not of theft, robbery, or of the criminal activities. The case of the worker is that of committing theft. Naturally in view of the guidelines it could not be settled.

7. The worker had not filed any documents or lead any oral evidence to suggest that the action of the management is not justified. It appears that he does not want to proceed in the matter. In the result I pass the following order :

ORDER

The action of the management in dismissing the workman Shri Ramesh Mahadeo, Ex-Timber w.e.f. 2-11-92 is legal and justified.

S. B. PANSE, Presiding Officer

नई दिल्ली, 4 अक्टूबर, 1996

का.मा. 3079—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, उल्लू सी एल-के प्रबंधन के संबद्ध नियोक्तों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, बम्बई नं. 2 के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 1-10-96 को प्राप्त हुआ था।

[संख्या एल-22012/278/93-आईआर (सी-II)]

राजा लाल, डेस्क अधिकारी

New Delhi, the 4th October, 1996

S.O. 3079.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal Bombay, No. 2 as shown in the Annexure in the industrial dispute between the employers in relation to the management of W.C. Ltd., and their workmen, which was received by the Central Government on the 1st October 1996.

[No. L-22012/278/93-IR (C-II)]

RAJA LAL, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, MUMBAI

PRESENT :

S. B. Panse, Presiding Officer.

Reference No. CGIT-2/92 of 1993

Employers in relation to the management of Pipla Sub-Area of Western Coalfields Ltd.,

AND

Their workman.

APPEARANCES :

नई दिल्ली, 4 अक्टूबर, 1996

For the Employer—Mr. G. R. Dalne, Representative.
For the Workmen—No Appearance.

Camp at Nagpur dated 5th September, 1996

AWARD

The Government of India, Ministry of Labour by its order No. L-22012/278/93-IR (C-II) had referred to the following Industrial Dispute for adjudication :

"Whether the action of the management of Pipla Sub Area of Western Coalfields Ltd., Nagpur, by not referring the case of Shri Sunder Lal Pancha, Pump Khalasi, to the Apex Medical Board of Company level inspite of recommendation of Area Medical Board, Nagpur and also allowing him to superannuate on 1st July, 1992 is justified? If not, what relief he is entitled to?"

2. The Deputy Secretary of the union filed a Statement of Claim at Exhibit-4. He pleaded that he was working with Pipla Mine. He was to work in underground. This work would be done only a person found medically fit. The worker had an eye trouble. He made an application to the management informing his disability on 28th March, 1990. He also requested to engaged his dependant in the service. He requested for referring the matter to Apex Medical Board to check up. The worker pleaded that his claim is rejected and he was compelled to work in a very peculiar condition. It is submitted that the management did not allow the worker to retire prematurely and appoint his dependant on service declaring him medically unfit. It is averred that all these action of the management are illegal and unjustified. They should have referred this case to Apex Medical Board for medical examination, which they did not, and hence the reference may be answered accordingly.

3. The management resisted the claim by the written statement Exhibit-5. It is pleaded that on medical examination the worker was found medically fit for doing another job namely the surface job. He was allotted the job which he did till his superannuation. It is pleaded that the request of the worker for sending him for medical check up to the Apex Medical Board was without any merit and the action of the management was not at all illegal. It is pleaded that under such circumstances the reference may be answered in favour of the management.

4. At the last camp at Nagpur the union requested for the adjournment for leading evidence when the matter was fixed for hearing on 17th September, 1995. It was adjourned to 14th September, 1995, again the same request was made and the matter was adjourned.

5. The parties were duly served with the notice of the hearing date of 2nd September, 1996 at Nagpur. The representative of the management remained present. The union remained absent. Therefore, the matter was adjourned to 3rd September, 1996. Again the union remained absent. The worker is also not present. Mr. G. R. Dalne the representative of the management informed that the union is aware of the date and the worker had vacated the company's quarter and left the place and had gone to U.P. The fact that nobody is appearing in the matter clearly suggest that they are no more interested in the reference. There are no documentary evidence in support of the union. In the result in view of the above said circumstances I pass the following order:

ORDER

The action of the management of Pipla Sub Area of Western Coal Fields Ltd., Nagpur, by not referring the case of Shri Sunder Lal Pancha, Pump Khalasi, to the Apex Medical Board at Company level inspite of recommendation of Area Medical Board, Nagpur and also allowing him to superannuate on 1st July, 1992 is justified.

S. B. PANSE, Presiding Officer

का.आ. 3080—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एम ई सी एल के प्रबंधन के संबंधित नियोक्तों और उनके कर्मचारों के बीच, अनुबंध में निश्चित औद्योगिक विवाद में, केन्द्रीय सरकार औद्योगिक अधिकरण, बम्बई नं. 2 के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 1-10-96 को प्राप्त हुआ था।

[सं. एल-22012/358/93-आई आर(सी II)]

राजा लाल, डेस्क अधिकारी

New Delhi, the 4th October, 1996

S.O. 3080.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal Bombay No. 2 as shown in the Annexure in the industrial dispute between the employers in relation to the management of S.E.C. Ltd. and their workmen, which was received by the Central Government on the 1st October, 1996.

[No. L-22012/358/93-IR C-II]

RAJA LAL, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, MUMBAI

PRESENT:

Shri S. B. Panse, Presiding Officer.

Reference No. CGIT-2/22 of 1994

Employers in relation to the management of West Chirimiri Colliery of Chirimiri Area of S.E.C.L.
AND

Their workmen.

APPEARANCES :

For the Employer—Mr. Sadasivan Nair & Mr. A. K. Sasi, Advocates.

For the Workmen—No Appearance.

Camp at Nagpur, the 3rd September, 1996

AWARD

The Government of India, Ministry of Labour by its order No. L-22012/358/93-IR (C. II) dated 16th February, 1994 had referred to the following Industrial Dispute for adjudication :

"Whether the action of the Dy. General Manager Sub Area Manager, West Chirimiri Colliery of Chirimiri Area S.E.C. Ltd. in not giving employment to the dependant of Shri Tilak Ram, Mech. Helper whose services were terminated to permanent disablement, is in conformity with the provisions of Item Nos. 9, 4, 3 of NCWA-IV? If not, to what relief the workman is entitled to?"

2. The union filed a statement of claim at Exhibit-3. It is contended that Tilak Ram was working as Mechanic Helper at West Chirimiri Colliery. On 3rd January, 1987 when he was on duty suffered an injury. He was treated in the company's hospital. He was given necessary injury certificate signed by the engineer and coal manager. In December 1987 he was referred to Regional Hospital, Kurasa for his operation on eye. There is provision under MCWA III by clause No. 9, 4, 3 that if workman is injured on duty and declared medically unfit his one dependant is entitled to employment.

3. It is pleaded that the management did not give an employment to the dependant of Shri Tilak Ram and thus

violated the well established practise and rules. It is therefore prayed that the dependants of the worker is entitled to employment and the reference may be answered accordingly.

4. The management resisted the claim by the written statement Exhibit-4. It is averred that the reference is bad in law, as the workman retired on superannuation. It is pleaded that the dispute between the management and workman is settled. He is paid wages for the period on 3rd January, 1987 to 15th February, 1988 as a full and final settlement against his claim. After receiving the payment he did not care to join the duty again. It is averred that he retired after superannuation. It is therefore the claim which is raised by him is without any merit. It is prayed that reference may be answered accordingly.

5. I was holding camp at Nagpur on 12th September, 1995. On that day the union remained absent. The matter was posted to 14th September, 1995. Again it remained absent. Therefore the hearing dates at Bombay were given but union did not turn up.

6. Yesterday the matter was for hearing at Nagpur. The union was duly served with notice of Nagpur sitting but it remained absent. Therefore the matter was adjourned till today. Again it remained absent. The representative of management is present. He informed that the union is aware of date but declined to attend the Tribunals sitting. Under such circumstances it appears to be that the union is no more interested in prosecuting the matter. In the result I make the following order :

ORDER

The action of the Deputy General Manager/Sub Area Manager of West Chimiri Colliery in not giving employment to the dependant of Shri Tilak Ram Mechanic helper whose services were terminated due to permanent disability is in conformity with the provision of item No. 9.4.3 of NCWA IV.

S. B. PANSE, Presiding Officer

नई दिल्ली, 4 अक्टूबर, 1996

का.प्र. 3081—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, इन्डिय सीएल के प्रबंधन के संबंध में निम्नलिखित औद्योगिक विवाद में, केन्द्रीय सरकार औद्योगिक अधिकरण, बम्बई में, 2 के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 1-10-96 को प्राप्त हुआ था।

[संख्या एल-22012/224/92-आई आर (सी-II)]

राजा लाल, डेस्क अधिकारी

New Dechi, the 4th October, 1996

S.O. 3081.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal Bombay No. 2 as shown in the Annexure in the industrial dispute between the employers in relation to the management of W. C. Ltd. and their workmen, which was received by the Central Government on the 1-10-1996.

[No. L-22012/224/92-IR(C. II)]

RAJA LAL, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, MUMBAI

PRESENT :

Shri S. B. Panse, Presiding Officer.
Reference No. CGIT-2/69 of 1992

Employers in relation to the management of
Sasti Sub Area.

AND

Their workmen.

APPEARANCES :

For the Employer.—Mr. B. N. Prasad,
Advocate.

For the Workmen.—No Appearance.
Camp at Nappur, the 5th September, 1996.

AWARD

The Government of India, Ministry of Labour by its Order No. L-22012/224/92-IR (C. II), dated 10-12-96 had referred to the following Industrial Dispute for adjudication.

“Whether the eleven workers as per list enclosed are entitled to get the promotion of the different grades, as mentioned against each, by the Sub Area Manager, W. C. Ltd., Sasti Sub Area? If not, to what relief the workmen are entitled to?”

2. The Secretary, Bhartiya Koyla Khadan Mazdoor Sangh, Sasti Sub Area filed a statement of claim at Ex. 5. The workers shown in the schedule are the clerks at Sasti Open cast project. It is pleaded that while considering the promotions of these workers they were superseded without any justification. The management did not consider the difference rule and the circular then in existence. It is submitted that some clerks were given promotion as mentioned in paragraph 3 to 8 of the statement of claim. It is pleaded that under such circumstance the workers may be promoted along with other benefits.

3. The management resisted the claim by the written statement Exhibit-8. It is pleaded that the promotion is prerogative of the management. It cannot be claimed as a right. It is averred that the dispute cannot be called as an Industrial Disputes under the Act of 1947. It is submitted that the management followed the rules and regulations while giving promotions. It is submitted that under such circumstances the reference may be answered accordingly.

4. As Exhibit-3, the Secretary gave an application to the effect that he should be treated as on duty period while attending the Industrial Tribunal

for hearing. My predecessor allowed the application and ordered that the management should treat him as on duty.

5. On the last occasion when the camp was held at Nagpur the union remained absent. Therefore the matter was adjourned for next sitting.

6. The parties were duly informed regarding present sitting of the Tribunal at Nagpur. The union received the notice but did not remain present. It remained absent on 2-9-96, 3-9-96 and 5-9-96 i.e. today. On these occasions the representative of the management and the learned advocate Mr. Prasad present.

7. It appears that the union is no more interested in prosecuting the matter. There are no documents on the record by which it can be said that the action of the management was not justified. Under such circumstances I pass the following order :

ORDER

The eleven workers as shown in the list are not entitled to get the promotions of the different grades as mentioned against each of them.

S. B. PANSE, Presiding Officer

नई दिल्ली, ४ अक्टूबर, १९९६

का.प्र. ३०८२—औद्योगिक विवाद अधिनियम, १९४७ (१९४७ का १४) की धारा १७ के अनुसरण में, केन्द्रीय सरकार, एफ सीआई के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में, केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को १-१०-९६ को प्राप्त हुआ था।

[संख्या एल-२२०१२/१२०/एफ/९२-आई आर (सी-II)]
राजा लाल, डेस्क अधिकारी

New Delhi, the 4th October, 1996

S.O. 3082.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal Kanpur as shown in the Annexure in the industrial dispute between the employers in relation to the management of F.C.I. and their workmen, which was received by the Central Government on the 1-10-96.

[No. L-22012/120/F/92-IR(C-II)]
RAJA LAL, Desk Officer

ANNEXURE

BEFORE SRI B. K. SRIVASTAVA PRESIDING
OFFICER CENTRAL GOVERNMENT INDUS-
TRIAL TRIBUNAL-CUM-LABOUR COURT,
PANDU NAGAR DEOKI PALACE ROAD,
KANPUR

Industrial Dispute No. 99 of 1992

In the matter of dispute between :

State President,
FCI Employees Congress,
5/6, Habibullah Estate Regional Office,
Lucknow..

AND

Senior Regional Manager Bhartiya Khadya
Nigam Habibullah Estate Hazratganj
Lucknow.

AWARD

1. Central Government, Ministry of Labour, New Delhi, vide its notification no. 22012/120/F/92/IR C-II dt. 31-8-92, has referred the following dispute for adjudication to this Tribunal--

"Whether the action of the Sr. Regional Manager FCI Lucknow in reverting to AG. II(D) and imposing major penalty of stopping of three annual increments with cumulative effect from January 1992 and recovery of Rs. 300/- p.m. for a period of 36 months on Shri Kunwar Singh AG-III(D) is legal and justified ? If not to what relief the concerned workman is entitled to ?"

2. In January, 1983, K. N. Jhakmola was posted as A.M. (D) at Food Storage Depot of Food Corporation of India, Moradabad whereas P. C. Gandhi was posted as AGI there. The concerned workman was also posted there as AG-III. In the night intervening 5/6-1-83 there was a theft of 136 bags of wheat and 6 bags of rice from stock no. 25/11. When godown was opened next morning it was found that seal of the godown was broken. Its report was lodged with the police. A final report was filed by the police with the observations that it was a case of misappropriation by the staff of Food Corporation of India. A committee consisting of Y. D. Kukreja AM(D), K. D. Washishtha M.W. 3 and K. D. Gautam AM Accounts. By their report dt. 30-7-84 they found all the above mentioned three persons guilty. Accordingly these three persons were chargesheeted. After holding inquiry all the three persons were booked for the above misconduct of removal of 136 bags of wheat and 6 bags of rice. These three persons were punished accordingly, the concerned workman was awarded punishment of stoppage of three annual increments with cumulative effect from January

1992 and further recovery of Rs. 300/- per month for a period of three years. Feeling aggrieved the concerned workman has raised this Industrial Dispute.

3. In their claim statement the validity of inquiry report was challenged. On facts it was alleged that he has no hands in this theft whereas the management maintained that concerned workman had complicity with the other members of staff.

4. A preliminary issue regarding validity of domestic inquiry was framed and this tribunal recorded a finding on 18-12-85 holding that inquiry was not fairly and properly held. The management was given opportunity to prove the misconduct on merits. Thereafter the management examined one R. C. Bhardwaj M.W. 1 Sugriv the Watchman M.W. 2 and M. B. Washishtha M.W. 3. In rebuttal Kunwar Singh had examined himself as W.W. 1. Besides the management had filed certain papers, the reference of which will be made later on.

5. R. K. Bhardwaj AM(QC) M.W. 1 has stated that after receiving the report of broken seal he had gone on the spot and found that 136 bags of wheat and 6 bags of rice were short. Hence, his evidence is relevant to prove shortage which fact is not disputed.

6. Sugriv M.W. 2 is the watchman. He came to take charge in the morning on 6-1-83 at 8 a.m. and remained that day upto 4 p.m. He has simply stated about the factum of broken seal. Hence, he too has not thrown any light about the actual culprit.

7. K. D. Washishtha M.W. 3 is a member of committee who has informed the matter. His evidence too does not clearly inculcate the concerned workman.

8. Kunwar Singh M.W. 1 has stated that P. C. Gandhi AG.I was incharge. Previous day he had got the godown locked and took away the keys. When he went to godown next morning at 9.30 a.m., he was informed by watchman that seal of lock was broken. At that very time P. C. Gandhi also reached and got the verification done in which shortage were detected. In his cross-examination he has stated that report lodged in police ended in submission of final report. He also denied that keys of the godown with him. Instead it was with P. C. Gandhi.

9. From the above review of oral evidence it will be evident that from the side of the management, there is no evidence to inculcate the concerned workman. Rather it has been rebutted by the concerned workman by his evidence on oath. In my opinion, in this case that watchman who was on duty in the night intervening between 5/6-1-83 ought to have been examined who would have

thrown light as to what inspired in the previous night. He could have thrown light about the removal of bags on that day. He would have been the star witness. Thus in the absence of any direct evidence we have to examine the case in the light of circumstances.

10. Kunwar Singh in his evidence has stated that P. C. Gandhi was incharge of the godown as well as custodian of the keys. This fact has been conceded by the management. In their order dated 25-3-92 passed by Zonal Manager. (North Zone) as appellate authority of K. N. Jharkhola, therein it has been conceded that P. C. Gandhi was the custodian of godown and keys, hence he alone is responsible for loss if any. The authorised rep. of the workman has also filed copy of extract of rule regarding duties of AG. III which shows that he has no concerned with the upkeeping of godown. His only job is to assist AGI. It may be mentioned that K. N. Jharkhola was exonerated by the appellate authority, P. C. Gandhi had also appealed. While upholding his punishment Zonal Manager had held that he alone was responsible for the upkeeping of keys and godown. Hence he is responsible. Thus when once responsibility has been fastened on P. C. Gandhi. I think that the concerned workman could have no concern with it in any manner. Hence taking stock of the above mentioned evidence and observation of the appellate authority with regard to P. C. Gandhi, I come to the conclusion that the concerned workman had no hand whatsoever in the shortage of 136 bags of wheat and six bags of rice. Hence this misconduct is not proved. Consequently the punishment awarded on the basis of this misconduct is also not justified. I award accordingly.

11. The concerned workman will be entitled for all consequential benefits on the premises that there was no punishment against him at all. The entire amount which have been recovered at the rate of Rs. 300/- per month from the pay of the concerned workman shall also be refunded.

12. Reference is answered accordingly.

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 4 अक्टूबर, 1996

का.आ. 3083—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसूच में, केन्द्रीय सरकार एक ही आई के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच अनुबंध में निष्पक्ष औद्योगिक विवाद में, केन्द्रीय सरकार औद्योगिक अधिकरण, धनकाद नं. 2 के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 1-10-96 को प्राप्त हुआ था।

[संख्या एल-22012/179/94-आई आर (सी-II)]

राजा लाल, ईस्क अधिकारी

New Delhi, the 4th October, 1996

S.O. 3083.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal Dhanbad No. 2 as shown in the Annexure in the industrial dispute between the employers in relation to the management of F.C.I. and their workmen, which was received by the Central Government on 1-10-96.

[No. L-22012/179/94-IR (C-II)]

RAJA LAL, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO.2) AT DHANBAD PRESENT

Shri D. K. Nayak,
Presiding Officer

In the matter of an Industrial Dispute under Section
10(1) (d) of the I.D. Act., 1947.

REFERENCE NO. 94 OF 1995

PARTIES:

Employers in relation to the management of
Food Corporation of India, Patna and
their workmen.

APPEARANCES:

On behalf of the workmen : Sri V. Kumar,
State Joint Secretary.
FCI Executive Staff Union.

On behalf of the employers : Shri M. R. Raja
authorised representative.

State : Bihar. Industry : Food.

Dated, Dhanbad, the 17th September, 1996

AWARD

The Govt. of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act., 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-22012/179/94-IR (C-II) dated 12-7-95 and 27-7-95.

SCHEDULE

"Whether the action of the District Manager, Food Corporation of India, Hazaribagh in retrenching and non-regularising the services of Shri Brajesh Kumar and 23 others (list enclosed) w.e.f. 1-9-85 was legal and justified? If not, what relief the workmen are entitled to?"

NAME OF THE WORKMEN

1. Shri. Deepak, Kumar.
2. " Brajesh Kumar.
3. " Parikaj Sharma.

4. " Bhagwan.
5. " Dinesh Prasad.
6. " Giri Nandan.
7. " Sanjay Kumar.
8. " Ramesh Singh.
9. " Udai Kumar.
10. " Jitendra Rai.
11. " Mirtunjay Kumar.
12. " Jai Prakash.
13. " Bijay Sharma.
14. " Chhotan.
15. " Jogendra Ram.
16. " Mahesh Sharma.
17. " Manoj Kumar.
18. " Akhileshwar Kumar.
19. " Satyendra Kumar.
20. " Sudhir Kumar.
21. " Anil Kumar.
22. " Nakul Prasad.
23. " Sanjeev Kumar.
24. " Parasnath Pandey.

2. To meet the aforesaid reference both the parties have filed their W.S.-cum-rejoinder in support of their respective contention.

3. The case of the concerned workman at it appears from the W.S. filed by them is that they were employees of the Food Corporation of India with effect from 1-3-84 at Food Storage depot Koderma within the jurisdiction of the District Manager, FCI, Gaya till 1987 and then within the District Manager Hazaribagh from 1988.

4. They used to perform at F.S.D. Koderma in different kinds of jobs such as filling loose grains in bags, sweeping the godown, cleaning the office and sheds, providing water to the staff, collecting loose grains from railway wagons and also sweeping railway platform for the said purpose. They has also to perform the duties of watching stock and store, to attend the Post Office and Bank, to escort the trucks loaded with foodgrain and thereby they used to discharge the jobs of workmen of regular Class IV category though they were designated as casual workmen in order to deprive them from getting the actual benefit of the workmen of actual category.

5. Their attendance were marked by the regular staff of F.S.D. Koderma by putting "A" and "P" and thereby they were considered to be the employees of permanent nature and their payment has been made though in plain paper but on preferring bill to the District Office, Gaya and thereafter to Hazaribagh.

6. Thereby for all purposes they were considered to be the permanent employees maintaining their names in the register remaining under the control and custody of the management. But they were refused to be regularised by the management a dispute

was raised before the ALC(C) Hazaribagh and being satisfied that the concerned workman were found performing that duties since March, 1984 exceeding 240 days service during 12 calendar months. On the other hand without regularising them all on a sudden they were stopped from work on and from 1-9-85 by the verbal order of the Asstt. Depot Superintendent, F.S.D. Koderma reported to be as per order of D.M.F.C.I. Gaya without serving any notice or paying any notice pay or compensation in violation of Section 25F of the I.D. Act and thereby retrenchment made is illegal and unjustified.

7. Since 1985 repeatedly the claim was agitated through the sponsoring union and from time to time assurance was given by the management but nothing was done ultimately though they regularised many casual workers from time to time as per decision of the Directors of the F.C.I. for completion of 90 days service on or before 2-5-86 which was issued in the circular dated 6-5-87. These workmen were victimised for the adoption of pick and choose policy of some officers of the management and as conciliation proceeding failed before the ALC(C) Hazaribagh during the year 1994-95 the present reference arose with a prayer for holding that the action of the management, FCI in retrenching and non-regularising the service of Shri Brajesh Kumar and 23 others as annexed in the reference as well as written statement with effect from 1-9-85 was illegal and unjustified, and with further prayer for giving direction to the management to reinstate them as regular Class IV with effect from 1-9-85 with back wages and other benefits with regular pay scales of Cat. IV workers.

8. In the W.S.-cum-rejoinder filed by the management it is stated that the reference is not legally maintainable and the claim of the concerned workman is unjustified and further case of the management is that it is a stale claim as this has been raised long long after the retrenchment as alleged with reference to the certain case laws as stated in the W.S. itself.

9. It is stated further that this reference was not as per recommendation of the ALC(C) but for the Writ Petition before the Hon'ble High Court, Patna, Ranchi bench as decided in C.W.J.C. No. 2599 of 1994(R). However, the said order has been practically challenged in the W.S. by citing other decisions.

10. The further case of the management is that the case as framed or alleged is misconceived as they were casual workers to the District Manager, Gaya and their payment were made from there and thereafter the District Manager, Hazaribagh from the contingent fund which were nothing but casual workers working from 1-3-84 to 31-8-85 along with some other persons and it is stated further that if the casual workers be allowed to enter in the service through the back door that will be against the constitution. The further case of the management fabricated document and practically it is a gambling in litigation.

11. In the rejoinder the W.S. case of the concerned workmen have been denied and main contention is that as they were casual workers they cannot be regularised nor they are entitled to get the benefit of any Section or section 25F of the I.D. Act and they

have not been retrenched from the service as there was no relationship of employer and employee between the management and the concerned workmen.

12. In the rejoinder of the workmen they have referred the circular which entitles a casual workman to be regularised on completion of 90 days work on or before 2-3-86 along with other facts which have already been stated in their original W.S.

13. In the instant case both the parties have adduced their oral and documentary evidence in support of their respective contention. From the workman side four witnesses have been examined and similarly from the side of the management four witnesses have also been examined in support of their respective case.

14. The workmen in order to establish their point have relied upon the documents marked Ext. W-4, W-6, W-24 W-24|1, W-25 to W-29.

15. On the other hand it was submitted by the management that from their document Ext. M-9 to M-13 and M-15 M-1 to M-6 it would go to show that these workmen never worked but by fabricating the attendance register marked Ext. W-24 they have come to Court to establish their case at late stage which was not accepted by the ALC(C) Hazaribagh.

16. I have carefully perused the relevant exhibits and I find that there are enough materials to accept the case of the workmen upon the discussions made below.

17. Ext. W-4 is the internal correspondence of the management which discloses that 14 casual labourers in addition to the aforesaid 24 casual labourers as casual labourers as argued by the management were engaged at F.S.D. Koderma for the period 1-3-84 to 1-9-85. If these documents be accepted there is no other alternative than to accept that the concerned workmen were employed at Koderma during the relevant period. But curious enough the document from which it could be conclusively decided that has been intentionally withheld by the management.

18. It is stated that the Attendance Register Ext. W-24 are false and fabricated but Ext. W-25 and Ext. W-26 are the copies of the Attendance Register and memos produced by the management on 31-3-95 which more or less tally with Ext. W-24.

19. Ext. W-27, 28, 29 go to show that the payments were made to the concerned workmen by the depot incharge from the advance drawn by him, examined as MW-1.

20. In the instant case a peculiar phenomenon appears from where I find that sum of Rs. 4,12,857.00 is outstanding. Now the question is why such amount remains outstanding but no satisfactory reply comes in.

21. I have carefully perused the documents produced by the parties as well as the W.S. filed by the concerned management wherever it is clear that the concerned workman have completed 240 days work within 12 calendar months casual workers no-doubt.

22. In view of such decision let me discuss other points such as delay in filing the case and the process of regularisation in order to consider whether the workmen are entitled to get the reliefs as prayed for.

23. Incidentally it may be mentioned that in the instant case in the light of the argument I am to decide the following four points.

- (1) Whether there is relationship of employer and employee between the concerned workmen and the management?
- (2) Whether they have completed the stipulated period as per the circular mentioned in the evidence as well as W.S. ?
- (3) Whether they are eligible for regularisation?
- (4) If so, what relief they are entitled to ?

24. Already I have decided that there was relationship of employer and employee and they have completed 240 days work within 12 calendar months.

25. Admittedly, there was a circular that the casual workers who completed 90 days service on or before 2-5-86 against Class III and Class IV posts according to their qualification, they should be regularised in the suitable post as mentioned above and accordingly about 100 workmen were employed so in the year 1988-89. The management both in oral evidence and in their written statement at para-11 has admitted that the concerned workmen worked as casual workers for the period as claimed and the relevant document as mentioned above exhibited on the side of the workmen also support it and thereby it is held that they were entitled to be regularised as per that circular Ext. W-8 dt. 6-5-87 and as per para-4 of the said circular. It is needless to mention that it is not disputed that pursuant to the said circular many persons were regularised by the management himself and in similar type of cases permanent Award of the Tribunal and settlement between the management and the workmen, similar nature of workmen had been regularised.

26. So keeping in mind the said circular and the attendance and the materials on record I have no hesitation to hold that all the concerned workmen have completed much more than 90 days service as on 2-5-86 and as per aforesaid circular they are entitled to be regularised against Class IV post as prayed for subject to vacancy in such post.

27. In this premises my attention has been drawn by the representative of the workmen to Ext. W-12 to W-16|1 which are Awards of Tribunals as well as order of the Hon'ble Patna High Court of the same place with same employer upon the same type of reference and thereby I accept the argument of the representative of the workmen that no different treatment should be made so far the concerned workmen are involved.

28. Now I am to decide whether the claim should be rejected as stale claim as apparently it appears to be a related claim. No doubt the management with reference to several case laws on this point urged before me to a greater extent but I am of the opinion that it is too late to urge this point in this Tribunal when admittedly ALC(C) rejected the prayer of the workmen to make a reference of this dispute to the Ministry but the Hon'ble High Court Patna Ranchi Bench was pleased to give a direction for referring

the matter to the Ministry after considering that there was ground for delay and that was cogent one.

29. Accordingly I cannot but say that I am to bow down the decision of the Hon'ble High Court on this point and the venture of the management to reargue that point in this Tribunal again which has been adjudicated by Hon'ble High Court cannot be appreciated.

30. Though it is not required several exhibits such as Ext. W-18, W-18|1, W-19 to W-22 and W-24|1 have been pointed out wherefrom it would go to show that the concerned workmen were not sleeping but they remained on knocking the door of the management but that remained un-attended. So it is held that the claim cannot be rejected considering it to be stale claim as submitted by the management.

31. The next and last question which requires whether there is any vacancy for the recruitment of the concerned workmen in the post of Class IV as claimed. My attention was drawn to Ext. W-9 to W-11|1 which goes to show that there are vacancies as required and that has not been challenged by the management in any manner. Furthermore as per Ext. W-8, the circular as referred to above the management recruited and regularised many class IV workers as Watchmen and in that case when the present workmen have completed their work in performing the duties as stated above for a period of more than 240 days they should be regularised as against vacancy of Class IV and by not regularising them I am of the opinion that an infringement has been caused with reference to Section 25B of the I.D. Act, 1947.

32. Admittedly, no notice pay was given nor any compensation was paid though vacancy of Cat. IV staff was available and thereby by not regularising them the stopping of duty of the workmen amounts to retrenchment and that is fortified by the decisions reported in 1984 P.L.J.R. 612, 1982 PLJR 597 and 1988 SLR 388.

33. It has been argued by the concerned workmen that no reliance should be placed upon Ext. M-1 to M-22 in order to prove the attendance of the concerned workmen but finally on 31-8-95 those were filed which were exhibited as Ext. W-25 and thereby considering all the materials all the aforesaid issues are decided in favour of the workmen holding that they were the workmen under the completing 240 days in 12 calendar months and they are entitled to get benefit of the circular dt. 6-5-87 marked Ext. W-8 and their claim is not stale claim and they should be regularised as Class IV staff when primarily the vacancy appears.

34. It was urged that the back wages should be given with other benefits to the workmen but I am not incline to accept that prayer as because when they were casual workers no wages can be given to them when they were not on duties however I dispose off the reference in the following manner which will give some relief to the concerned workman for wilful non-regularisation of the said workmen though some were regularised as per the aforesaid circular.

35. Accordingly it is held that the action of the District Manager, F.C.I. Hazaribagh in retrenching

and non-regularising the service of Brajesh Kumar and 23 others (as per list) with effect from 1-9-85 was illegal and unjustified. They should be regularised within 2 months with effect from that date i.e. with effect from 1-9-85 as Class IV employees fixing their pay notionally from that day as permanent employees are entitled to but I refrain from giving any back wages for the intervening period and they will get their wages after fixing their pay considering that they are in service on 1-9-85 when they would be regularised and reinstated and that reinstatement and regularisation must be made within 2 months from the date of publication of this Award. No cost is awarded to either of the parties.

This is my Award.

D. K. NAYAK, Presiding Officer.

नई दिल्ली, 10 अक्टूबर, 1996

का.प्र. 3084.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, एससीसीएल. के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में, केन्द्रीय सरकार औद्योगिक अधिकरण, हैदराबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 8-10-96 को प्राप्त हुआ था।

[संख्या एल-22012/376/94-आई आर (सी-II)]

राजा लाल, डेस्क अधिकारी

New Delhi, the 10th October, 1996.

S.O. 3084.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Hyderabad as shown in the Annexure in the industrial dispute between the employers in relation to the management of S.C.C. Ltd. and their workmen, which was received by the Central Government on 8-10-96.

[No. L-22012/376/94-IR (C-II)]
RAJA LAL, Desk Officer.

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL-I AT HYDERABAD.

PRESENT-

Sri V. V. Raghavan, B.A., LL.B., Industrial Tribunal-I.

Dated, 9th day of August, 1996

Industrial Dispute No. 10 of 1995

BETWEEN

The General Secretary, Singareni Collieries Labour Union (INTUC), Bellampalli, District: Adilabad.

Petitioner.

AND

The General Manager, Singareni Collieries Co. Ltd., Mandamarri, District: Adilabad.

Respondent.

APPEARANCES:

Sri R. N. Reddy, Advocate for the Petitioner.

M/s. K. Srinivasa Murthy and G. Sudha, Advocates for the Respondent.

AWARD

This is a reference made by the Government of India, Ministry of Labour, New Delhi by its Order No. L-22012(376)/94-IR.C.II dated 12-12-1994 under Sections 10(1)(d) and 2A of Industrial Disputes Act, 1947 for adjudication of Industrial Dispute mentioned in its schedule which reads as follows:

"Whether the action of the management of SCCL in terminating the services of Shri Kanukula Kanakaiah, Ex. Badli Filler KK5 Incljine, SCCL Mandamarri without offering any opportunity against the principles of natural justice and in violation of clause No. 13(a)(2) of the Company's certified Standing Orders is legal and justified? If not, to what relief is the workman entitled to?"

2. After receipt of the said reference, this Tribunal issued notice to both the parties and they have acknowledged the notice. The claim statement was received by post from the petitioner. The Advocates for both parties have filed their Vakalats. Subsequently the counter has been filed by the respondent on 26-7-1995. The case was adjourned from time to time but both parties were not ready for enquiry. On 9-8-1996 both parties as well as their Advocates are called absent and no representations are made on their behalf. Hence it is found that both parties are not evincing any interest to prosecute the matter.

3. On a perusal of the docket sheet from 8-9-1995 to till date both parties are not evincing any interest in prosecuting the matter. Hence there is no option except to close the reference. Hence the I.D. is closed.

Given under my hand and the seal of this Tribunal this the 9th day of August, 1996.

V. V. RAGHAVAN, Industrial Tribunal-I

Appendix of Evidence.

No oral or documentary evidence is produced by both the parties.

नई दिल्ली, 10 अक्टूबर, 1996

का.प्र. 3085.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, एससीसीएल. के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में, केन्द्रीय सरकार औद्योगिक अधिकरण, हैदराबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 8-10-96 को प्राप्त हुआ था।

[संख्या एल-22012/375/94-आई आर (सी-II)]

राजा लाल, डेस्क अधिकारी

New Delhi, the 10th October, 1996

S.O. 3085.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Hyderabad as shown in the Annexure in the industrial dispute between the employers in relation to the management of S.C.C. Ltd. and their workmen, which was received by the Central Government on 8-10-1996.

[No. L-22012/375/94-IR (C-II)]
RAJA LAL, Desk Officer.

ANNEXURE

OF THE INDUSTRIAL TRIBUNAL-I AT HYDERABAD

PRESENT:

Sri V. V. Raghavan, B.A., LL.B., Industrial Tribunal-I.

Dated, 9th day of August, 1996

Industrial Dispute No. 9 of 1995

BETWEEN

The General Secretary, Singareni
Collieries Labour Union (INTUC),
Bellampalli, District : Adilabad. . . Petitioner.

AND

The General Manager, Singareni
Collieries Co. Ltd., Mandamarri
District : Adilabad. . . Respondent.

APPEARANCES :

Sri R. N. Reddy, Advocate for Petitioner.
M/s. K. Srinivasa Murthy and G. Sudha, Advocate for
the Respondent.

AWARD

This is a reference made by the Government of India, Ministry of Labour, New Delhi by its Order No. L-22012(376)/94-IR.C.II dated 12-12-1994 under Sections 10(1)(d) and 2A of Industrial Disputes Act, 1947 for adjudication of Industrial Dispute mentioned in its schedule which reads as follows :

"Whether the action of the management of SCCL in terminating the services of Shri Pratap Sudhakar, Ex. Badli Filler, KK5 Incline, SCCL Mandamarri without offering any opportunity against the principles of natural justice and in violation of Clause No. 13(a)(2) of the Company's Certified Standing Orders is legal and justified? If not, to what relief is the workman entitled to?"

2. After receipt of the said reference, this Tribunal issued notice to both the parties and they have acknowledged the notice. The claim statement was received by post from the petitioner. The Advocates for both parties have filed their Vakalats. Subsequently the counter has been filed by the Respondent on 26-7-1995. The case was adjourned from time to time but both parties were not ready for enquiry. On 9-8-1996 both parties as well as their Advocates are called absent and no representations are made on their behalf. Hence it is found that both parties are not evincing any interest to prosecute the matter.

3. On a perusal of the docket sheet from 8-9-1995 to till date both parties are not evincing any interest in prosecuting the matter. Hence there is no option except to close the reference. Hence the I.D. is closed.

Given under my hand and the seal of this Tribunal, this the 9th day of August, 1996.

V. V. RAGHAVAN, Industrial Tribunal-I

Appendix of Evidence

No oral or documentary evidence is produced by both parties.

नई दिल्ली, 10 अक्टूबर, 1996

का.आ. 3086,—औद्योगिक विवाद अधिनियम, 1947 (1947 क 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, एससीसीएल के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, हैदराबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 8-10-96 को प्राप्त हुआ था।

[संख्या एच-22012/374/94-आई आर (सी-II)]

राजा लाल, डेस्क अधिकारी

New Delhi, the 10th October, 1996

S. O. 3086.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the

2563 GI/96—14

Central Government hereby publishes the award of the Industrial Tribunal, Hyderabad as shown in the Annexure in the industrial dispute between the employers in relation to the management of S.C. C. Ltd. and their workmen, which was received by the Central Government on the 8-10-96.

[No. L-22012/374/94-IR. (C-II)]

RAJA LAL, Desk Officer

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL-I
AT HYDERABAD

PRESENT :

Sri V. V. Raghavan, B.A., LL.B.,
Industrial Tribunal-I,

Dated, 9th day of August, 1996

Industrial Dispute No. 8 of 1995

BETWEEN :

General Secretary, Singareni Collieries
Labour Union (INTUC), Bellampalli.
District : Adilabad. . . PETITIONER.

AND

The General Manager, Singareni
Collieries Co. Ltd., Mandamarri,
District : Adilabad. . . RESPONDENT.

APPEARANCES :

Sri R. N. Reddy, Advocate for the Petitioner
M/s. K. Srinivasa Murthy & G. Sudha,
Advocates for Respondent.

AWARD

This is a reference made by the Govt. of India, Ministry of Labour, New Delhi by its order No. L-22012/(374)/94-IR. (C-II), dated 12-12-1994 under Section 10(1)(d) and 2-A of Industrial Disputes Act, 1947 for adjudication of Industrial Dispute mentioned in its schedule which reads as follows :

"Whether the action of the Management of SCCL in terminating the services of Shri Nizampuram Rajaiah Ex. Badli Filler, KK5 Incline, SCCL Mandamarri without offering any opportunity against the principle of natural justice and in violation of Clause No. 13(a)(2) of the Company's Certified Standing Orders is legal and justified? If not to what relief is the workman entitled to?"

2. After receipt of the said reference, this Tribunal issued notice to both the parties and they have acknowledged the notice. The claim statement was received including from the petitioner. The advocates for both parties have filed their Vakalats. Subsequently the counter has been filed by the respondent on 26-7-1995. The case was adjourned from time to time but both parties were not ready for enquiry. On 9-8-1995 both parties as well as their Advocates are called

absent and no representations are made on their behalf. Hence it is found that both parties are not evincing any interest to prosecute the matter.

3. On a perusal of the docket sheet from 8-9-1995 to till date both parties are not evincing any interest in prosecuting the matter. Hence there is no option except to close the reference. Hence the I. D. is closed.

Given under my hand and the seal of this Tribunal this the 9th day of August, 1996.

V. V. RAGHAVAN, Industrial Tribunal-I.

Appendix of evidence

No oral or documentary evidence is produced by both parties.

नई दिल्ली, 10 अक्टूबर, 1996

का.आ. 3087—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, एस सी सी एल के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, हैदराबाद के पंचपट को प्रकाशित करती, जो केन्द्रीय सरकार को 8-10-96 को प्राप्त हुआ था।

[संख्या एल-22012/373/94-आई आर (सी-II)]
राजा लाल, डेस्क अधिकारी

New Delhi, the 10th October, 1996

S.O. 3087.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Hyderabad as shown in the Annexure in the industrial dispute between the employers in relation to the management of S.C. C. Ltd. and their workmen, which was received by the Central Government on the 8-10-96.

[No. L-22012/373/94-IR(C-II)]
RAJA LAL, Desk Officer

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL-I AT HYDERABAD

PRESENT :

Sri V. V. Raghavan, B.A., LL.B.,
Industrial Tribunal-I

Dated, 9th day of August, 1996

Industrial Dispute No. 7 of 1995

BETWEEN :

General Secretary, Singareni Collieries
Labour Union (INTUC), Bellampalli
District : Adilabad ... PETITIONERS

AND

The General Manager, Singareni
Collieries Co. Ltd., Mandamari,
District : Adilabad

..RESPONDE

APPEARANCES :

Sri R. N. Reddy, Advocate for the Petitioner
M/s. K. Srinivasa Murthy & G. Sudha,
Advocates for Respondent.

AWARD

This is a reference made by the Govt. of India, Ministry of Labour New Delhi by its order No. L-22012(373)/94-IR(C-II) dt. 12-12-1994 under Section 10(1)(d) & 2A of Industrial Disputes Act, 1947 for adjudication of Industrial Dispute mentioned in its schedule which reads as follows :

"Whether the action of the Management of SCCL in terminating the services of Shri Madhashe Laxman, Ex. Badli Filler, KK5 Incline, SCCL Mandamari without offering any opportunity against the principles of natural justice and in violation of Clause No. 13(a)(2) of the Company's Certified Standing Orders is legal and justified? titled to ?"

2. After receipt of the said reference, this Tribunal issued notice to both the parties and they have acknowledged the notice. The claim statement was received by post from the petitioner. The Advocates for both parties have filed their Vakalats. Subsequently the counter has been filed by the respondent on 26-7-1995. The case was adjourned from time to time but both parties were not ready for enquiry. On 9-8-1996 both parties as well as their Advocates are called absent and no representations are made on their behalf. Hence it is found that both parties are not evincing any interest to prosecute the matter.

3. On a perusal of the docket sheet from 8-9-1995 to till date both parties are not evincing any interest in prosecuting the matter. Hence there is no option except to close the reference. Hence the I. D. is closed.

Given under my hand and the seal of this Tribunal this the 9th day of August, 1996.

V. V. RAGHAVAN, Industrial Tribunal-I.

Appendix of evidence

No oral or documentary evidence is produced by both parties.

नई दिल्ली, 10 अक्टूबर, 1996

का.आ. 3088—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, एस सी सी एल के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में, केन्द्रीय सरकार औद्योगिक अधिकरण, हैदराबाद

के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 8-10-96 को प्राप्त हुआ था।

[संख्या एल-22012/372/94-आई आर (सी-II)]
राजा लाल, डेस्क अधिकारी

New Delhi, the 10th October, 1996

S.O. 3088.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Hyderabad as shown in the Annexure in the industrial dispute between the employers in relation to the management of S.C. C. Ltd. and their workmen, which was received by the Central Government on the 8-10-96.

[No. L-22012/372/94-IR(C-II)]
RAJA LAL, Desk Officer

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL-I AT HYDERABAD

PRESENT :

Sri V. V. Raghavan, B.A., LL.B.,
Industrial Tribunal-I

Dated, 9th day of August, 1996
Industrial Dispute No. 6 of 1995

BETWEEN :

General Secretary, Singareni Collieries
Labour Union (INTUC), Bellampalli,
District : Adilabad ... PETITIONERS

AND

The General Manager, Singareni
Collieries Co. Ltd., Mandamarri,
District : Adilabad.

APPEARANCES :

Sri R. N. Reddy, Advocate for the Petitioner
M/s. K. Srinivasa Murthy & G. Sudha,
Advocates for Respondent.

AWARD

This is a reference made by the Govt. of India, Ministry of Labour, New Delhi by its order No. L-22012(372)/94-IR(C-II) dt. 12-12-1994 under Section 10(1)(d) & 2A of Industrial Disputes Act, 1947 for adjudication of Industrial Dispute mentioned in its schedule which reads as follows :

"Whether the action of the Management of SCCL in terminating the services of Shri Sandupetta Raja Reddy Ex. Badli Filler KK5 Incline, SCCL Mandamarri without offering any opportunity against the principles of natural justice and in violation of Clause No. 13(a)(2) of the Company's Certified Standing Orders is legal and justified ? If not to what relief is the workman entitled to ?"

2. After receipt of the said reference, this Tribunal issued notice to both the parties and they have acknowledged the notice. The claim statement was received

by post from the petitioner. On 4-3-1995 the respondent did not appear before this Tribunal and hence set the respondent was ex-parte. Subsequently the Respondent filed a petition to set aside the exparte order dt. 4-3-1995 alongwith the counter of the respondent and the same was allowed on 13-6-1995. The Advocate for the petitioner filed his Vakalat and requested for time for enquiry. The case was adjourned from time to time but both parties were not ready for enquiry. On 9-8-1996 both parties as well as their Advocates are called absent and no representations are made on their behalf. Hence it is found that both parties are not evincing any interest to prosecute the matter.

3. On a perusal of the docket sheet from 18-10-1995 to till date both parties are not evincing any interest in prosecuting the matter. Hence there is no option except to close the reference. Hence the I. D. is closed.

Given under my hand and the seal of this Tribunal this the 9th day of August, 1996.

V. V. RAGHAVAN, Industrial Tribunal-I.
Appendix of evidence

No oral or documentary evidence is produced by both parties.

नई दिल्ली, 10 अक्टूबर, 1996

का.आ.3089-औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, एस सी सी एल के प्रबंधन के संबंधित नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में, केन्द्रीय सरकार औद्योगिक अधिकरण, हैदराबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 8-10-96 की प्राप्त हुआ था।

[संख्या एल-22012/371/94-आई आर (सी-II)]
राजा लाल, डेस्क अधिकारी

New Delhi, the 10th October, 1996

S.O. 3089.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal Hyderabad as shown in the Annexure in the industrial dispute between the employers in relation to the management of S.C.C. Ltd. and their workmen, which was received by the Central Government on the 8th October, 1996.

[No. L-22012/371/94-IR(C-II)]
RAJA LAL, Desk Officer

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL-I AT HYDERABAD

PRESENT :

Sri V. V. Raghavan, B.A., LL.B, Industrial Tribunal-I.

Dated : 9th day of August, 1996
Industrial Dispute No. 5 of 1995

BETWEEN

General Secretary,
Singareni Collieries Labour Union (INTUC),
Bellampalli, District : Adilabad. ... Petitioner.

AND

The General Manager,
Singareni Collieries Co. Ltd., Mandamarri,
District : Adilabad. ... Respondent.

APPEARANCES :

Sri R. N. Reddy, Advocate—for the Petitioner.

M/s. K. Srinivasa Murthy & G. Sudha, Advocates—for Respondent.

AWARD

This is a reference made by the Government of India, Ministry of Labour, New Delhi by its Order No. L-22012 (371)/94-IR. C-II, dated 12th December, 1994 under Section 10(1)(d) & 2A of Industrial Disputes Act, 1947 for adjudication of Industrial Dispute mentioned in its schedule which reads as follows :

"Whether the action of the management of SCCL in terminating the services of Shri B. Mogili Ex. Badli Filler, KK5 Incline SCCL Mandamarri without offering any opportunity against the principles of natural justice and in violation of clause No. 13(a) (2) of the Company's certified Standing Orders is legal and justified ? If not, to what relief is the workman entitled to ?"

2. After receipt of the said reference, this Tribunal issued notice to both the parties and they have acknowledged the notice. The claim statement was received by post from the Petitioner. On 4th March, 1995 the respondent did not appear before this Tribunal and hence set the respondent was ex-parte. Subsequently, the respondent filed a petition to set aside the ex-parte order dated 4th March, 1995 alongwith the counter of the respondent and the same was allowed on 13th June, 1995. The advocate for the petitioner filed his vakalat and requested for time for enquiry. The case was adjourned from time to time but both parties were not ready for enquiry. On 9th August, 1996 both parties as well as their Advocates are called absent and no representations are made on their behalf. Hence it is found that both parties are not evincing any interest to prosecute the matter.

3. On perusal of the docket sheet from 18th October, 1995 to till date both parties are not evincing any interest in prosecuting the matter. Hence there is no option except to close the reference. Hence the I.D. is closed.

Given under my hand and the seal of this Tribunal this the 9th day of August, 1996.

V. V. RAGHAVAN, Industrial Tribunal-I

No oral or documentary evidence is produced by both the parties.

नई दिल्ली, 10 अक्टूबर, 1996

का.आ. 3090-औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, एस सीसी एल के प्रबंधन के संवर्धनियों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में, केन्द्रीय सरकार औद्योगिक अधिकरण, हैदराबाद के पंचपट को प्रकाशित करती है, जो केन्द्रिय सरकार को 8-10-96 को प्राप्त हुआ था।

[संख्या एल-22012/370/94-आई आर सी-II]

राजा लाल, डेस्क अधिकारी

New Delhi, the 10th October, 1996

S.O. 3090.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Hyderabad as shown in the Annexure in the industrial dispute between the employers in relation to the management of S.C.C. Ltd, and their workmen, which was received by the Central Government on 8-10-1996.

[No. L-22012/370/94-IR C-II]

RAJA LAL, Desk Officer

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL-I AT
HYDERABAD

PRESENT :

Sri V. V. Raghavan, B.A., LL.B.,

Industrial Tribunal-I.

Dated : 9th day of August, 1996

Industrial Dispute No. 4 of 1995

BETWEEN

The General Secretary, Singareni
Collieries Labour Union (INTUC)
Bellampalli District, Adilabad ... Petitioner

AND

The General Manager, Singareni
Collieries Company Ltd., Mandamarri,
District : Adilabad ... Respondent

APPEARANCES :

Sri R. N. Reddy, Advocate for the Petitioner.

M/s. K. Srinivasa Murthy & G. Sudha, Advocates—for the Respondent

AWARD

नई दिल्ली, 10 अक्टूबर, 1996

This is a reference made by the Government of India, Ministry of Labour, New Delhi by its Order No. L-22012(370)/94-IR. C.II dated 12-12-1994 under Section 10(1)(d) & 2A of Industrial Disputes Act, 1947 for adjudication of Industrial Dispute mentioned in its schedule which reads as follows :—

“Whether the action of the management of SCCL in terminating the services of Shri Ummanthala Sai Reddy, Ex. Badili Filler, KK5 Incline, SCCL Mandamarri without offering any opportunity against the principles of natural justice and in violation of Clause No. 13(a)(2) of the Company's certified Standing Orders is legal and justified? If not to what relief is the workman entitled to?”.

2. After receipt of the said reference, this Tribunal issued notice to both the parties and they have acknowledged the notice. The claim statement was received by post from the petitioner. On 4-3-1995 the respondent did not appear before this Tribunal and hence set the respondent as ex-parte. Subsequently, the respondent filed a petition to set aside the ex-parte order dated 4-3-1995 alongwith the counter of the respondent and the same was allowed on 13-6-1995. The advocate for the petitioner filed his Vakalat and requested for time for enquiry. The case was adjourned from time to time but both parties were not ready for enquiry. On 9-8-96 both parties as well as their Advocates are called absent and no representations are made on their behalf. Hence it is found that both parties are not evincing any interest to prosecute the matter.

3. On a perusal of the docket sheet from 18-10-1995 to till date both parties are not evincing any interest in prosecuting the matter. Hence there is no option except to close the reference. Hence the I.D. is closed.

Given under my hand and the seal of this Tribunal this the 9th day of August, 1996.

V. V. RAGHAVAN, Industrial Tribunal-I

No oral or documentary evidence is produced by both the parties.

का.आ. 3091—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस सी सी एल के प्रबन्धन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में, केन्द्रीय सरकार औद्योगिक अधिकरण, हैदराबाद के पंचपट की प्रकाशित करती है, जो केन्द्रीय सरकार को 8-10-96 को प्राप्त हुआ था।

[सं. एल. 22012/369/94-आई आर सी-III]

राजा लाल, डेस्क अधिकारी

New Delhi, the 10th October, 1996

S.O. 3091.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Hyderabad as shown in the Annexure in the industrial dispute between the employers in relation to the management of S.C.C. Ltd, and their workmen, which was received by the Central Government on 8-10-1996.

[No. L-22012/369/94-IR CII]

RAJA LAL, Desk Officer

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL-I AT
HYDERABAD

PRESENT :

Sri V. V. Raghavan, B.A., LL.B.,
Industrial Tribunal-I.

Dated : 9th day of August, 1996

INDUSTRIAL DISPUTE NO. 3 OF 1995

BETWEEN :

The General Secretary, Singareni
Collieries Labour Union (INTUC)
Bellampalli District : Adilabad . . . Petitioner

AND

The General Manager, Singareni
Collieries Company Ltd., Mandamarri,
District : Adilabad . . . Respondent

APPEARANCES :

Sri R. N. Reddy, Advocate for the Petitioner.

M/s. K. Srinivasa Murty & G. Sudha, Advocates for the Respondent.

AWARD

This is a reference made by the Government of India, Ministry of Labour, New Delhi by its Order No. L-22012(369)/94-IR, C.II dated 12-12-1994 under Section 10(1)(d) & 2A of Industrial Disputes Act, 1947 for adjudication of Industrial Dispute mentioned in its schedule which reads as follows :—

“Whether the action of the management of SCCL in terminating the services of Shri K. Chandraiah Ex. Badli Filler, KK5 Incline, SCCL Mandamarri without offering any opportunity against the principles of natural justice and in violation of Clause No. 13(a)(2) of the Company's certified Standing Orders is legal and justified? If not to what relief is the workman entitled to?”.

2. After receipt of the said reference, this Tribunal issued notice to both the parties and they have acknowledged the notice. The claim statement was received by post from the petitioner. On 4-3-1995 the respondent did not appear before this Tribunal and hence set the respondent as ex-parte. Subsequently, the respondent filed a petition to set aside the ex-parte order dated 4-3-1995 alongwith the counter of the respondent and the same was allowed on 13-6-1995. The advocate for the petitioner filed his Vakalat and requested for time for enquiry. The case was adjourned from time to time but both parties were not ready

for enquiry. On 9-8-96 both parties are called absent and no representation is made on their behalf it is found that both parties are not evincing any interest to prosecute the matter.

3. On a perusal of the docket sheet from 18-10-1995 to till date both parties are not evincing any interest in prosecuting the matter. Hence there is no option except to close the reference. Hence the I.D. is closed.

Given under my hand and the seal of this Tribunal this the 9th day of August, 1996.

V. V. RAGHAVAN, Industrial Tribunal-I

No oral or documentary evidence is produced by both the parties.

नई दिल्ली, 10 अक्टूबर, 1996

का.आ. 3092—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, एस सी सी एल के प्रबंधन के संवद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में, निर्विष्ट औद्योगिक विवाद में, केन्द्रीय सरकार औद्योगिक अधिकरण, हैदराबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 8-10-96 को प्राप्त हुआ था।

[संख्या एल-22012/386/94-आई आर सी-II]

राजा लाल, डेस्क अधिकारी

New Delhi, the 10th October, 1996

S.O. 3092.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Hyderabad as shown

in the Annexure in the industrial dispute between the employers in relation to the management of S.C.C. Ltd, and their workmen, which was received by the Central Government on 8-10-1996.

[No. L-22012/386/94-JR CII]

RAJA LAL, Desk Officer

AWARD

This is a reference made by the Government of India, Ministry of Labour, New Delhi by its Order No. L-22012(386)/94-JR C.II dated 5-12-1994 under Section 10(i)(d) & 2A of Industrial Disputes Act, 1947 for adjudication of Industrial Dispute mentioned in its schedule which reads as follows :—

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL-I AT HYDERABAD

PRESENT :

Sri V. V. Raghavan, B.A., LL.B.,
Industrial Tribunal-I.

Dated : 9th day of August, 1996

Industrial Dispute No. 19 of 1995

BETWEEN

The General Secretary, Singareni
Collieries Labour Union (INTUC)
Bellampalli District : Adilabad .. Petitioner

AND

The General Manager, Singareni
Collieries Company Ltd., Mandamarri,
District : Adilabad .. Respondent

APPEARANCES :

Sri R. N. Reddy, Advocate for the Petitioner.

M/s. K. Srinivasa Murty & G. Sudha. Advocates for the Respondent.

“Whether the action of the management of SCCL in terminating the services of Shri Vemula Srinivas, Ex. Badli Filler, KK5 Incline, SCCL Mandamarri without offering any opportunity against the principles of natural justice and in violation of Clause No. 13(a)(2) of the Company's certified Standing Orders is and justified? If not to what relief is the workman entitled to?”.

2. After receipt of the said reference, this Tribunal issued notice to both the parties and they have acknowledged the notice. The claim statement was received by post from the petitioner. The Advocates for both parties have filed their Vakalats. Subsequently the counter has been filed by the Respondent on 26-7-1995. The case was adjourned from time to time but both parties were not ready for enquiry. On 9-8-96 both parties as well as their Advocates are called absent and no representations are made on their behalf. Hence it is found that both parties are not evincing any interest to prosecute the matter.

3. On a perusal of the docket sheet from 18-10-1995 to till date both parties are not evincing any interest in prosecuting the matter. Hence

there is no option except to close the reference. Hence the I.D. is closed.

Given under my hand and the seal of this Tribunal this the 9th day of August, 1996.

V. V. RAGHAVAN, Industrial Tribunal-I,
Appendix of Evidence

No oral or documentary evidence is produced by both the parties.

नई दिल्ली, 10 अक्टूबर, 1996

का.आ. 3093-औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एससीसीएल के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में, केन्द्रीय सरकार औद्योगिक अधिनियम, 1947 के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 8-10-96 को प्राप्त हुआ था।

[संख्या एल-22012/387/94-आईआरसी-II]

राजा लाल, डेस्क अधिकारी

New Delhi, the 10th October, 1996

S.O. 3093.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Hyderabad as shown in the Annexure in the industrial dispute between the employers in relation to the management of S.C.C. Ltd. and their workmen, which was received by the Central Government on 8-10-1996.

[No. L-22012/387/94-IR CII]

RAJA LAL, Desk Officer

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL-I AT
HYDERABAD

PRESENT :

Sri V. V. Raghavan, B.A., LL.B.,
Industrial Tribunal-I.

Dated : 9th day of August, 1996

INDUSTRIAL DISPUTE NO. 20 OF 1995

BETWEEN

The General Secretary, Singareni
Collieries Labour Union (INTUC)
Bellampalli District : Adilabad ... Petitioner

AND

The General Manager, Singareni
Collieries Company Ltd., Mandamarri,
District : Adilabad ... Respondent

APPEARANCES :

Sri R. N. Reddy, Advocate for the Petitioner.

M/s. K. Srinivasa Murthy & G. Sudha, Advocates for the Respondent.

AWARD

This is a reference made by the Government of India, Ministry of Labour, New Delhi by its Order No. L-22012(387)/94-IR. C.II dated 5-12-1994 under Section 10(1)(d) & 2A of Industrial Disputes Act, 1947 for adjudication of Industrial Dispute mentioned in its schedule which reads as follows :—

“Whether the action of the management of SCCL in terminating the services of Shri Mankali Srinivas, Ex. Badili Filler, KK5 Incline, SCCL Mandamarri without offering any opportunity against the principles of natural justice and in violation of Clause No. 13(a)(2) of the Company's certified Standing Orders is legal and justified? If not to what relief is the workman entitled to?”

2. After receipt of the said reference, this Tribunal issued notice to both the parties and they have acknowledged the notice. The claim statement was received by post from the Petitioner. The Advocates for both parties have filed their Vakalats. Subsequently the counter has been filed by the Respondent on 26-7-1995. The case was adjourned from time to time but both parties were not ready for enquiry. On 9-8-96 both parties as well as their Advocates are called absent and no representations are made on their behalf. Hence it is found that both parties are not evincing any interest to prosecute the matter.

3. On a perusal of the docket sheet from 8-9-1995 to till date both parties are not evincing any interest in prosecuting the matter. Hence there is no option except to close the reference. Hence the I.D. is closed.

Given under my hand and the seal of this Tribunal this the 9th day of August, 1996.

V. V. RAGHAVAN, Industrial Tribunal-I
Appendix of Evidence.

No oral or documentary evidence is produced by both the parties.

नई दिल्ली, 10 अक्टूबर, 1996

का.आ. 3094-औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, एससीसीएल के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक

विवाद में, केन्द्रीय सरकार औद्योगिक अधिकरण, हैदराबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 8-10-96 को प्राप्त हुआ था।

[संख्या एन-22012/388/94-आई आर सी-II]

राजा लाल, डेस्क अधिकारी

New Delhi, the 10th October, 1996

S.O. 3094.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Hyderabad as shown in the Annexure in the industrial dispute between the employers in relation to the management of S.C.C. Ltd, and their workmen, which was received by the Central Government on 8-10-1996.

[No. L-22012/388/94-IR CII]

RAJA LAL, Desk Officer

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL-I AT HYDERABAD

PRESENT :

Sri V. V. Raghavan, B.A., LL.B.,

Industrial Tribunal-I.

Dated : 9th day of August, 1996

INDUSTRIAL DISPUTE NO. 21 OF 1995

BETWEEN

The General Secretary, Singareni

Collieries Labour Union (INTUC)

Bellampalli District : Adilabad ... Petitioner

AND

The General Manager, Singareni

Collieries Company Ltd., Mandamarri,

District : Adilabad ... Respondent

APPEARANCES :

Sri R. N. Reddy, Advocate for the Petitioner.

M/s. K. Srinivasa Murty & G. Sudha, Advocates for the Respondent.

AWARD

This is a reference made by the Government of India. Ministry of Labour, New Delhi by its Order No. L-22012(388)/94-IR. C.II dated 5-12-1994 under Section 10(1)(d) & 2A of Industrial Disputes Act, 1947 for adjudication of Industrial Dispute mentioned in its schedule which reads as follows :—

“Whether the action of the management of SCCL in terminating the services of Shri Pidugu Kankiah, Ex. Badli

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Filler, KK5 Incline, SCCL Mandamarri without offering any opportunity against the principles of natural justice and in violation of Clause No. 13(a)(2) of the Company's certified Standing Orders is legal and justified? If not to what relief is the workman entitled to?”.

2. After receipt of the said reference, this Tribunal issued notice to both the parties and they have acknowledged the notice. The claim statement was received by post from the petitioner.

The advocates of both parties have filed their Vakalats. Subsequently the counter has been filed by the Respondent on 26-7-1995. The case was adjourned from time to time but both parties were not ready for enquiry. On 9-8-1996 both parties as well as their Advocates are called absent., and no representations are made on their behalf. Hence it is found that both parties are not evincing any interest to prosecute the matter.

3. On a perusal of the docket sheet from 8-9-1995 to till date both parties are not evincing any interest in prosecuting the matter. Hence there is no option except to close the reference. Hence the I.D. is closed.

Given under my hand and the seal of this Tribunal this the 9th day of August, 1996.

V. V. RAGHAVAN, Industrial Tribunal-I
Appendix of Evidence

नई दिल्ली, 10 अक्टूबर, 1996

का. आ. 3095.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस सी सी एन के प्रबंधन के संबंध में निम्नलिखित औद्योगिक विवाद में, केन्द्रीय सरकार औद्योगिक अधिकरण, हैदराबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 8-10-96 को प्राप्त हुआ था।

[संख्या एन-22012/388/94-आई आर सी-II]

राजा लाल, डेस्क अधिकारी

New Delhi, the 10th October, 1996

S.O. 3095.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal Hyderabad as shown in the Annexure in the industrial dispute between the employers in relation to the management of S.C.C. Ltd. and their workmen, which was received by the Central Government on the 8-10-96.

[No. L-22012/388/94-IR C-II]

RAJA LAL, Desk Officer

ANNEXURE
BEFORE THE INDUSTRIAL TRIBUNAL-I
AT HYDERABAD

PRESENT :

Sri V. V. Raghavan, B.A., LL.B., Industrial
Tribunal-I.

Dated : 9th day of August, 1996

Industrial Dispute No. 22 of 1995

BETWEEN

The General Secretary, Singareni
Collieries Labour Union (INTUC).

Bellampalli, District : Adilabad . . . Petitioner

AND

The General Manager, Singareni

Collieries Co. Ltd., Mandamarri,

District : Adilabad . . . Respondent

APPEARANCES :

Sri R. N. Reddy, Advocate for the Petitioner
M/s. K. Srinivasa Murty & G. Sudha,
Advocates for Respondent.

AWARD

This is a reference made by the Govt. of India, Ministry of Labour, New Delhi by its Order No. L-22012(389)/94-IR. C. II dated 5-12-1994 under Sections 10(1)(d) & 2A of Industrial Disputes Act, 1947 for adjudication of Industrial Dispute mentioned in its schedule which reads as follows:

"Whether the action of the management of SCCL in terminating the services of Shri Gottam Sadanandam, Ex. Badli Filler, KK5 Incline, SCCL Mandamarri without offering any opportunity against the principles of natural justice and in violation of Clause No. 13(a)(2) of the Company's certified Standing Orders is legal and justified? If not to what relief is the workman entitled to?"

2. After receipt of the said reference, this Tribunal issued notice to both the parties and they have acknowledged the notice. The claim statement was received by post from the petitioner. The Advocates for both parties have filed their Vakalats. Subsequently the counter has been filed by the Respondent on 26-7-1995. The case was adjourned from time to time but both the parties were not ready for enquiry. On 9-8-1996 both parties as well as their Advocates are called absent

and no representations are made on their behalf. Hence it is found that both parties are not evincing any interest to prosecute the matter.

3. On a perusal of the docket sheet from 8-9-95 to till date both parties are not evincing any interest in prosecuting the matter. Hence there is no option except to close the reference. Hence the I.D. is closed.

Given under my hand and the seal of this Tribunal this the 9th day of August, 1996.

V. V. RAGHAVAN, Industrial Tribunal-I

Appendix of Evidence

No oral or documentary evidence is produced by both the parties.

नई दिल्ली, 10 अक्टूबर, 1996

का.आ. 3096.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस सी सी एल के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में, केन्द्रीय सरकार औद्योगिक अधिकरण, हैदराबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 8-10-96 को प्राप्त हुआ था।

[सं. एल-22012/390/94-आईआरसी-II]
राजा लाल, डेस्क अधिकारी

New Delhi, the 10th October, 1996

S.O. 3096.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal Hyderabad as shown in the Annexure in the industrial dispute between the employers in relation to the management of S.C.C. Ltd. and their workmen, which was received by the Central Government on the 8-10-96.

[No. L-22012/390/94-IR C-II]

RAJA LAL, Desk Officer

ANNEXURE
BEFORE THE INDUSTRIAL TRIBUNAL-I
AT HYDERABAD

PRESENT :

Sri V. V. Raghavan, B.A., LL.B., Industrial
Tribunal-I.

Dated : 9th day of August, 1996

Industrial Dispute No. 23 of 1995

BETWEEN

General Secretary, Singareni Collieries

Labour Union (INTUC), Bellampalli,
District : Adilabad . . . Petitioner

AND

The General Manager, Singareni
Collieries Co. Ltd., Mandamarri,
District : Adilabad . . . Respondent

APPEARANCES :

Sri R. N. Reddy, Advocate for the Petitioner
M/s. S. K. Srinivasa Murty & G. Sudha,
Advocates for Respondent.

AWARD

This is a reference made by the Govt. of India, Ministry of Labour, New Delhi by its Order No. L-22012(390)/94-IR. C.II dt. 5-12-1994 under Sections 10(1)(d) & 2A of Industrial Disputes Act, 1947 for adjudication of Industrial Dispute mentioned in its schedule which reads as follows:

“Whether the action of the management of SCCL in terminating the services of Shri Kukatla Srinivas Ex. Badli Filler, KK5 Incline, SCCL Mandamarri without offering any opportunity against the principles of natural justice and in violation of Clause No. 13(a)(2) of the Company's certified Standing Orders legal and justified ? If not to what relief is the workman entitled to ?”

2. After receipt of the said reference, this Tribunal issued notice to both the parties and they have acknowledge the notice. The claim statement was received by post from the petitioner. The Advocates for both parties have filed their Vakalats. Subsequently the counter has been filed by the Respondent on 26-7-1995. The case was adjourned from time to time but both the parties were not ready for enquiry. On 9-8-1996 both parties as well as their Advocates are called absent and no representation are made on their behalf. Hence it is found that both parties are not evincing any interest to prosecute the matter.

3. On a perusal of the docket sheet from 8-9-1995 to till date both parties are evincing any interest in prosecuting the matter. Hence there is no option except to close the reference. Hence the I.D. is closed.

Given under my hand and the seal of this Tribunal this the 9th day of August, 1996.

V. V. RAGHAVAN, Industrial Tribunal-I
Appendix of evidence

No oral or documentary evidence is produced by both the parties.

नई दिल्ली, 10 अक्टूबर, 1996

का.प्र. 3097—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस सी सी एल के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्विष्ट औद्योगिक विवाद में, केन्द्रीय सरकार औद्योगिक अधिकरण, हैदराबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 8/10/96 को प्राप्त हुआ था।

[सं. एल-22012/391/94-आईआरसी-II]

राजा लाल, डेस्क अधिकारी

New Delhi, the 10th October, 1996

S.O. 3097. In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal Hyderabad as shown in the Annexure in the industrial dispute between the employers in relation to the management of S.C.C. Ltd. and their workmen, which was received by the Central Government on the 8-10-96.

[No. L-22012/391/94-IR(C-II)]

RAJA LAL, Desk Officer

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL-I AT
HYDERABAD

PRESENT :

Sri V. V. Raghavan, B.A., LL.B., Industrial
Tribunal-I.

Dated : 9th day of August, 1996

Industrial Dispute No. 24 of 1995

BETWEEN

The General Secretary, Singareni
Collieries Labour Union (INTUC),
Bellampalli, District : Adilabad . . . Petitioner

AND

The General Manager, Singareni
Collieries Co. Ltd., Mandamarri,
District : Adilabad . . . Respondent

APPEARANCES :

Sri R. N. Reddy, Advocate for Petitioner.
M/s. K. Srinivasa Murty & G. Sudha,
Advocates for Respondent.

AWARD

This is a reference made by the Govt. of India, Ministry of Labour, New Delhi by its order No. L-22012(391)/94-IR.C.II Dt. 5-12-1994 under Sections 10(1)(d) & 2A of Industrial Disputes Act, 1947 for adjudication of Industrial Dispute mentioned in its schedule which reads as follows :

“Whether the action of the management of SCCL in terminating the services of Shri Elavaka Kajaiah Ex. Badli Filler KK5 Incline, SCCL Mandamarri without offering any opportunity against the principles of natural justice and in violation of Clause No. 13(a)(2) of the Company's Certified Standing Orders is legal and justified ? If not to what relief is the workman entitled to?”

2. After receipt of the said reference, this Tribunal issued notice to both the parties and they have acknowledged the notice. The claim statement was received by post from the Petitioner. The Advocates for both parties have filed their Vakalats. Subsequently the counter has been filed by the Respondent on 26-7-1995. The case was adjourned from time to time but both the parties were not ready for enquiry. On 9-8-1996 both parties as well as their Advocates are called absent and no representations are made on their behalf. Hence it is found that both parties are not evincing any interest to prosecute the matter.

3. On a perusal of the docket sheet from 8-9-95 to till date both parties are not evincing any interest in prosecuting the matter. Hence there is no option except to close the reference. Hence the I.D. is closed.

Given under my hand and the seal of this Tribunal, this the 9th day of August, 1996.

V. V. RAGHAVAN, Industrial Tribunal-I

Appendix of evidence

No oral or documentary evidence is produced by both the parties.

नई दिल्ली, 10 अक्टूबर, 1996
का.आ. 3098.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) को धारा 17 के अनुसूच में, केन्द्रीय सरकार एन सी सी एन के प्रबंधन के संबंध नियोक्तों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में, केन्द्रीय सरकार औद्योगिक अधिनियम, हैदराबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 8/10/96 को प्राप्त हुआ था।

[सं. एल-22012/392/94-आईआर(सी-II)]
राजा लाल, डेस्क अधिकारी

New Delhi, the 10th October, 1996

S.O. 3098.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Hyderabad as shown in the Annexure in the industrial dispute between the employers in relation to the management of S.C.C.

Ltd. and their workmen, which was received by the Central Government on the 8-10-96.

[No. L-22012/392/94-IR (C-II)]

RAJA LAL, Desk Officer

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL-I AT
HYDERABAD

PRESENT :

Sri V. V. Raghavan, B.A., LI. B., Industrial Tribunal-I.

Dated : 9th day of August, 1996

INDUSTRIAL DISPUTE NO. 25 OF 1995

BETWEEN

The General Secretary, Singareni
Collieries Labour Union (INIUC),
Bellampalli, District, Adilabad . . . Petitioner

AND

The General Manager, Singareni
Collieries Co. Ltd., Mandamarri,
District, Adilabad . . . Respondent

APPEARANCES :

Sri R. N. Reddy, Advocate for Petitioner
M/s. Srinivasa Murty & G. Sudha, Advocates for Respondent.

AWARD

This is a reference made by . . . Govt. of India, Ministry of Labour, New Delhi by its Order No. L-22012(392)/94-IR.C.II dt. 5-12-1994 under Sections 10(1)(d) & 2A of Industrial Disputes Act, 1947 for adjudication of Industrial Dispute mentioned in its schedule which reads as follows:

“Whether the action of the management of SCCL in terminating the services of Shri Odela Kanalaiah Ex Badli Filler, KK5 Incline SCCL Mandamarri without offering any opportunity against the principles of natural justice and in violation of Clause No. 13(a)(2) of the Company's Certified Standing Orders is legal and justified ? If not to what relief is the workman entitled to ?”

2. After receipt of the said reference, this Tribunal issued notice to both the parties and they have acknowledged the notice. The claim statement was received by post from the Petitioner. The Advocates for both parties have filed their Vakalats. Subsequently the counter has been filed by the Respondent on 26-7-95. The case was adjourned from time to time but both the parties were not

ready for enquiry. On 9-8-1996 both parties as well as their Advocates are called absent and no representations are made on their behalf. Hence it is found that both parties are not evincing any interest to prosecute the matter.

3. On a perusal of the docket sheet from 8-9-1995 to till date both parties are not evincing any interest in prosecuting the matter. Hence there is no option except to close the reference. Hence the I.D. is closed.

Given under my hand and the seal of this Tribunal this the 9th day of August, 1996.

V. V. RAGHAVAN, Industrial Tribunal-I
APPENDIX OF EVIDENCE

No oral or documentary evidence is produced by both the parties.

नई दिल्ली, 10 अक्टूबर, 1996

का.आ. 3099.—औद्योगिक विवाद अधिनियम, 1947 (1947 की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस सी सी एन के प्रबंध तन्त्र के संबद्ध नियोजकों और उनके वर्मकारों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में, केन्द्रीय सरकार औद्योगिक अधिनियम, हैदराबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 8/10/96 को प्राप्त हुआ था।

[सं. एन-22012/383/95-आईआर (सी-II)]

राजा लाल, डेस्क अधिकारी।

New Delhi, the 10th October, 1996

S.O. 3099.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Hyderabad as shown in the Annexure in the industrial dispute between the employers in relation to the management of S.C.C. Ltd. and their workmen, which was received by the Central Government on the 8-10-96.

[No. L-22012/383/95-IR (C-II)]

RAJA LAL, Desk Officer

ANNEXURE BEFORE THE INDUSTRIAL TRIBUNAL-I AT HYDERABAD

PRESENT :

Sri V. V. Raghavan, B.A., LL.B., Industrial Tribunal-I.

Dated : 8th day of August, 1966

INDUSTRIAL DISPUTE NO. 55 OF 1996

BETWEEN

The Regional Secretary (Sh. Ch. Narayana Reddy) S.C.E. Union (CITU) T2-566, Tilak-nagar, Godavarikhani-504 214. . .Petitioner

AND

The General Manager, S.C. Ltd.,
Ramagundam-III, Godavarikhani-505 200

. . Respondent

APPEARANCES :

M/s. K. Srinivasa Murthy, G. Sudha & K. Bharathi, Advocates for the Respondent.
Petitioner set exparte.

AWARD

The Government of India, Ministry of Labour, New Delhi made a reference to this Tribunal by its Order No. L-22012/383/95-IR(C.II) dated 18-4-1996 under Sec. 10(1)(d) & 2A of the Industrial Disputes Act, 1947 for adjudication of the industrial dispute mentioned in the schedule which reads as follows :

"Whether the action of the management of S.C.C. Ltd., Ramagundam III in suspending Sh. P. Shankaraiah, Sr. Ward Boy at present working at Section III Godavarikhani 8 Incline colony, Godavarikhani for the period from 10-3-87 to 8-4-87 is justified or not ? If not whether Sh. P. Shankaraiah is entitled for wages ? If not to what relief he is entitled for ?"

2. After receipt of the said reference, this Tribunal has issued notices to both the parties to be present on 25-6-1996. Both the parties have received the notice. On 25-6-1996 the petitioner has been called absent though summons served and the petitioner was set exparte. Sri K. Srinivasa Murthy filed memo offering to file vakalat for the Respondent. Time was extended to file vakalat of the Respondent till 10-7-1996 and again extended to 20-7-1996.

3. On 20-7-1996 Sri K. Srinivasa Murthy filed Vakalat for the Respondent. For counter time was extended to 8-8-1996. On 8-8-1996 Smt. Bharati for Sri K. Srinivasa Murthy represented that the Respondent has no counter.

4. On a perusal of the docket sheet, it is found that the parties are not evincing any interest to prosecute the matter before this Tribunal. Hence there is no option except to close the reference. Hence the industrial dispute is closed.

Given under my hand and the seal of this Tribunal, this the 8th day of August, 1996.

V. V. RAGHAVAN, Industrial Tribunal-I,
Appendix of evidence

NIL

नई दिल्ली, 8 अक्तूबर, 1996

का. आ. 3100.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार फ़ेडरल बैंक लि. के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में लेबर कोर्ट, कोची के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 4/10/96 को प्राप्त हुआ था।

[सं. एल-12012/242/94-आई आर बी आई]
पी. जे. माइकल, डेस्क अधिकारी

New Delhi, the 8th October, 1996

S.O. 3100.—In pursuance of Section II of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Labour Court, Cochin as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Federal Bank Ltd. and their workman which was received by the Central Government on 4-10-96.

[No. L-12012/242.94-IRBI]

P. J. MICHAEL, Desk Officer

ANNEXURE

IN THE CENTRAL GOVERNMENT
LABOUR COURT, ERNAKULAM

(Labour Court, Ernakulam)

Wednesday, the 21st day of August, 1996)

PRESENT :

Shri Varghese T. Abraham, B.A., LL.M.,
Presiding Officer
Industrial Dispute No. 7 of 1996(C)

BETWEEN

The Chairman, M/s. Federal Bank Ltd.,

Head Office, Alwaye, Kerala-683 102.

AND

Sri Bony Disilva, Valiyakat House, Mulavakad P.O., Pin-682 504 (Kerala).

REPRESENTATION :

M/s. B. S. Krishnan Associates, Advocates,
Warriam Road, Kochi-16.

.. For Management

AWARD

The Government of India as per Order No. L-12012/242/94-IR(B.I), dated 17-4-96 referred the following industrial dispute for adjudication

"Whether the action of the management of M/s. Federal Bank Ltd. Alwaye in terminating the service of Shri Bony Disilva, Casual Labour of their Ernakulam North Branch w.e.f. 22-2-94, if not to what relief the workman is entitled?"

2. Notice to workman served. Name of workman called. Found absent. From this it follows that no industrial dispute is pending to be adjudicated. Reference is answered accordingly.

Pronounced in open court on this the 21st day of August, 1996.
Ernakulam

VARGHESE T. ABRAHAM, Presiding Officer

नई दिल्ली, 8 अक्तूबर, 1996

का. आ. 3101.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बैंक नेशनल डी पेरिस के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, वम्बई-2 के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 4/10/96 को प्राप्त हुआ था।

[सं. एल-12012/254/95-आईआरबीआई]
पी. जे. माइकल, डेस्क अधिकारी

New Delhi, the 8th October, 1996

S.O. 3101.—In pursuance of Section II of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Bombay No. 2 as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Banque Nationale De Paris and their workman, which was received by the Central Government on 4-10-96.

[No. L-12012/254/95-IRBI]

P. J. MICHAEL, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL NO. 2, MUMBAI
PRESENT :

Shri S. B. Panse, Presiding Officer

Reference No. CGIT-2/29 of 1995

Employers in relation to the management of
Banque Nationale De Paris

AND

Their Workman

APPEARANCES :

For the Employer—S/Shri P. K. Rele, A.M.
Pota, & R. N. Shah, Advocates z

For the Workmen—Shri Ramesh R. Dube,
Advocate

Mumbai, dated 13th September, 1996

AWARD

Shri K. S. Sreekumaran Nair, filed a dispute before Assistant Labour Commissioner against the bank. At the time of conciliation proceedings the parties agreed to refer the matter for voluntary adjudication under Section 10(2) of the Industrial Disputes Act of 1947. They agreed before the Assistant Labour Commissioner regarding what should be the terms of reference and accordingly they submitted the application as per Rule-3 of the Industrial Disputes Central Rules 1957 to the Secretary to the Government of India, Ministry of Labour on 19-10-95. Thereafter the Government of India, Ministry of Labour by its Order No. L-12012/254/95-IRBI, dated 30-11-95 had referred to the following Industrial dispute to this Tribunal for adjudication :

“Whether Sh. K. S. Sreekumaran Nair was a workman of Banque Nationale De Paris ? If so, to what relief, is Mr. Nair entitled ?”

2. K. S. Sreekumaran Nair filed a statement of claim at Exhibit-4. He pleaded that he was working as a driver of the Kent Car in November 1990. The bank hired a car from Kent Car, on which he was a driver. Mr. Mascharhana was the personal manager with the bank then. He suggested that he should file an application for getting the post of a driver in the bank. On 19-1-91 the personal manager informed him to join the duty from the same date as a driver of the bank.

3. The workman pleaded that his service were subject to the supervisions of the Personal Manager of the bank. He was deputed to drive the vehicle of the bank with different officers of

the bank from time to time. He worked with Andre Gill, Michael Grill from January 1991 to July, 1991. Thereafter till February 1994 he was deputed with Mr. J. C. Tremoss the then Chief Executive and Country Manager of the bank. From March 1994 he was deputed to work with Mr. Quintard, by the Personnel Manager of the bank Mr. Sharma. The worker pleaded that Mr. Quintard informed him that his services are terminated with immediate effect and he should not attend the duties from 10-9-94.

4. The worker averred that the bank maintain a log book of the cars which he had signed. He submitted that whenever he sued to go on leave, a permanent driver of the bank used to be deputed on his place and they used to make the entries in the same log book in which the workman used to make the entries about the duty. He asserted that he used to take the banks vehicle to the garage for servicing, for filling up petrol etc. He used to sign the necessary bills there. It is averred that on 10-3-93 and on 8-7-94 he paid the fine for line cutting out of his own pocket. He submitted the fine receipts to the Personnel Manager of the bank and he was reimbursed. All these facts according to him clearly go to show that he is the workman of the bank.

5. The workman averred that his termination of service is illegal. He therefore prayed that he should be reinstated in service with full back wages and continuity of service alongwith consequential reliefs.

6. The bank resisted the claim by the written statement Exhibit-5. It is averred that there was at no time any employer and employee relationship between he bank and the claimant and as such no Industrial Dispute in fact and in law exists. It is pleaded that as per the normal practice with the bank the Chief Executive Officer is appointed by the head office and is normally on deputation for a period of three years. The terms and conditions of employment are subject to the approval of Reserve Bank of India. They are entitled to use the banks car and are required to engage personal drivers who report for official as well as personal work of such chief executive officers. The bank besides the chief executive officers also provides its cars to the senior executives who are likewise required to engage personal drivers and are reimbursed expenses in respect of the salary paid to them to their personal driver within certain limits. It is averred that such engagement of a driver is exclusively the choice of that concerned officer. It is pleaded that in the past the bank engaged drivers on official duties but they had opted for voluntary retirements. Thereafter the bank had not engaged any drivers in the service. The personal drivers of the executives not being employed by

the bank are not required to sign any attendance register nor are they paid salary by the bank through salary sheets as is the case of the regular permanent employee and those drivers are paid salary by the concerned executive officers.

7. The bank denied that the Personnel Manager Mascarenhas asked the claimant to give the application for getting the post of a driver and appointed him. It is also denied that the personnel managers used to depute the claimant on the cars of different executives. It is submitted that the grounds on which the claimant relies to establish the relationship of employer and employee is without any merit. It is averred that under such circumstances the claimant is not entitled to any of the reliefs, and the reference may be answered accordingly.

8. The issues that fall for my consideration and my findings there on are as follows :

ISSUES	FINDINGS
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- | | |
|--|------------------|
| 1. Whether Sh. K. S. Sreekumaran Nair was the workman of Banque Nationale De Paris ? | No. |
| 2. If Yes, what relief he is entitled to ? | Does not survive |

9. REASONS.

9. To bolster up the case Shri K. S. Sreekumaran Nair (Ex-9) examined himself and relied upon the documents which he filed. As against that the bank examined Saldana (Exhibit-11), Mascarenhas (Exhibit-12). It also relied on the documents on the record. The Learned Advocate for the bank filed written arguments at Exhibit-15. But so far as the Learned Advocate for the worker is concerned he orally argued the matter and relied upon about seven authorities.

10. Nair claimed that he is the workman of the bank, which fact is emphatically denied by the bank. For determining whether the particular person is employee of the employer it has to be seen (a) the master's power of selection of his servant; (b) the payments of wages or other remuneration; (c) the master's right to control the method of doing the work and (d) the master's right to suspension or dismissal.

11. Saldana affirmed that for a recruitment in the bank applications are invited, interviews are conducted, trade tests are carried out and thereafter appointment letters to selected candidates were issued. Nair accepts that there is such a procedure for recruitments in the bank. Saldana affirmed that no such procedure was followed in the present matter. In other words he affirmed that

there was no appointment of Nair as an employee of the bank. Nair accepts that he has no documentary evidence that he applied on 19-1-91, and the personnel officer Mascarenhas asked him to join the duties. On the contrary Mascarenhas deposed that he never asked Nair to make an application for the post of a driver nor he asked him to do the job as claimed by him. It can be seen that nowadays getting a recruitment in the bank is a hell of a job. Unless the prescribed procedure is followed there cannot be a recruitment in the bank. Under such circumstances without following due procedure there cannot be an appointment of a driver or for any cadre whatsoever. Under such circumstances the contention of Nair that he was duly appointed appears to be without any merit.

12. The employees of the bank are always paid their salaries on the basis of salary sheets. The bank has produced extracts from the salary sheets of their employees of January 1992, 1993 and 1994. From the salary sheet (Exhibit-7|4) it reveals that there is no name of the worker. It is the case of Nair that he was paid on vouchers. This itself goes to show that his employment is not on regular employment of the bank. Now it has to be seen that whether it is the bank's employment or somebody else's.

13. Exhibit-7|1 is the terms of appointment of Mr. Quintard, Chief Executive of the bank which is duly approved by the Reserve Bank of India. It shows that he is entitled to a salary of drivers employed by them to the extent of Rs. 30,000 p.a. The other high officers are entitled to have such benefits. It is therefore, the salary which was given to Nair was as a personal driver of these officers. It can be further seen that the bank had its own drivers on their pay rolls. Their salaries were paid by cheques with pay slips. They were given benefits like other employees but no such benefit was given to Nair. If really he would have been the employee of the bank he would have received all benefits. It is not in dispute that the permanent drivers of the bank accepted voluntary retirement. It is tried to bring on the record that after their retirement there is no new recruitments for the drivers.

14. Saldana affirmed that bank's drivers were required to sign the attendance register which is supported by Mascarenhas. The attendance register of the concerned department for the month of July 1994 is at Exhibit-7|5. Nair admits that he never signed that register. On its basis it is tried to suggest by the Learned Advocate for the bank that it had not supervised or controlled the attendance of Nair. I find substance in it.

15. Nair affirmed that he was directed by the Personnel Officer to attend a particular executive of the bank. It is denied by Mascarenhas the Personnel Officer. Now it has to be seen that duties

were performed by Nair. He was attending to only the expatriates to whom the bank provides cars. In fact Quintard and the other executives were entitled to free use of bank's car. It does not include chauffeur driven car. It can be further seen that Nair had admitted that he used to attend the duties of the family members of the concerned executives. He used to go to the places wherever directed by them. That itself goes to show that he has to do all these things because he was the personal driver.

16. Nair affirmed that he used to take the car to the garage for repairs. He used to fill the petrol and sign the slip. Then those slips were handed over to the bank for getting those payments. This is not disputed by the bank. But it is submitted that as he was the personal driver of those executives whatever he was doing was for that officer. That does not create a relationship of employer and employee at all. It can be seen that when there is a filling up of petrol in the car or it is taken for servicing or for repairs naturally the driver has to do the job. It cannot be said that for that purpose the concerned officer has to ask the bank to do it. He has to only intimate the bank that such a thing had happened and he had asked his driver to do so. That appears to be done in the present matter. I am not inclined to accept that these activities and the receipts, acknowledgement for doing these works had established a relationship of employer and employee between the bank and Nair.

17. Nair affirmed that he used to maintain a log book of the vehicle. According to him it was maintained by the bank. But he accepts the position that it is his own diary. The entries there in are made by him. This log book is not signed by the officer of the bank. It is submitted that none of the pages of the log book contain bank's name. On the other hand the witnesses for the bank affirmed that they do not maintain a log book. It can be seen that as the bank had not employed its drivers there is no question of maintaining a log book. They had to provide with a car and the bank has to pay the salaries to the concerned executives for their personal drivers. That can be said to be one of the persons given to the officers. It is tried to submit that Ganesh a permanent driver had signed that log book, and one Lalit Kothare the officer of the bank has signed it once and as such it is the bank's log book. I am not inclined to accept that by signing of these two persons it becomes the log book of the bank.

18. Nair has affirmed that from 19-1-91 to July 1991 he was driving the car of Mr. Andre Gilles and Michael Grill. He used to report at their residence. He used to bring them to the office and then he was given another work. He used to take their family members wherever then

want. He used to drop their children to the school and take the family members to the market. Some type of services were referred by him to Mr. Tremosa between July 1991 to February '94. In February 1994 Tremosa had given him certificate which is produced alongwith (Ex-8). In the certificate Tremosa had categorically mentioned that the employee Nair is personal driver from July 1991 to February 1994. He is a good professional and very dedicated person. He is satisfied with his work. This certificate itself takes out the case of Nair that he is employed by the bank. Exh'bit-8/2 is receipt given by Nair which speaks that he received Rs. 4,700 being his salary/compensation for the period 1-6-94 to 30-6-94 for the personal services referred and he had no other claims against Quintard. It can be seen that it is not the case of Nair that he was giving any other service to Quintard than driving the vehicle. As that is so he must have been paid this salary being his personal driver and he cannot be said to be an employee of the bank.

19. It is submitted on behalf of the bank that regular staff, popularly known as Award Staff are governed by the Bi-partite settlement herein provisions have been made for disciplinary action such award staff and the right of the bank for suspension or dismissal has to be exercised in conformity with these provisions. Nair was not employed by the bank, there was no question of making an application of all these provisions of dismissing him from the service. He being the personal driver he was removed by the concerned officer. The bank had nothing to do with it.

20. To substantiate the case Mr. Rele, the Learned Advocate for the bank placed reliance on Punjab National Bank and Gulam Dastaji 1978 1 LLJ 312. That was a case wherein Ghulam Dastaji was employed as a driver by area manager of the bank. His salaries were paid out of the personal allowances given to the Area Manager by the bank. His termination of service was referred to the Industrial Tribunal where the Tribunal found that he was an employee of the bank. Their Lordships observed that there is nothing on the record to indicate that the control and direction of the driver vested in the bank. It is further observed in the absence of material to make out that the driver was employed by the bank, was under its direction and control, was paid his salary by the bank and otherwise included in the army of employees in the establishment of the bank. It cannot be assumed that crucial point has been proved. There is no camouflage or circumvention of any statute how there is any nexus between the driver and the bank. Therefore the Tribunal's award was set aside and the Learned Advocate for Nair tried to distinguish this authority. But I do not find any

substance in it. The facts referred in this case are aptly applicable to the present set of facts. I rely upon the ratio given in this authority.

21. In another case that is, Standard Charter Bank and ALC Central 1992(65) FLR 759 it was alleged that the driver appointed by the employee of the bank was his personal driver as admittedly there was never a letter of appointment at termination from the bank. Here in this case also there was no letter of appointment by the bank nor the termination. I rely upon the ratio on this authority also.

22. Mr. Dube the Learned Advocate for Nair place reliance on M/s. J.K. Collins Spinning and Weaving Mills Co., V/s. Bhadr Malli and Ors. AIR 1964 Supreme Court 737. That was a case where Mallis engaged to look after gardens and their payment and work controlled by it. In that case it was observed by their Lordships that Mallis are employed in the industry and are workman within section 2(5) of the Act. The facts that case are quite different from the facts of the case before me. It has no application. Mr. Dube, supported argument on the basis of the ratio given in the workman of Food Corporation of India V/s. M/s. Food Corporation of India AIR 1985 Supreme Court 670. That was case of abolition of contract system and introduction of a direct payment system. It has no application to the present case. In Silwar Jubilee Tailoring House V/e. Chief Inspector of Shops and Establishments AIR 1977 Supreme Court 37 and Husain Bhai V/s. Alath Factory AIR 1978 Supreme Court 1410. Their Lordships observed that the right to control the manner of work is not the exclusive task for determining the relationship of employer and employee. It is also to be considered as to who provides the equipment. It might be that a little weight can nowadays be put upon the provisions of tools of minor category as opposed to the plant and equipment of a large scale. But so far as the tailoring is concerned the fact that the sewing machines on which the workers do the work do not belong to the employer is an important consideration for deciding that the relationship is that of a master and servant. In the latter the raw material was supplied by the management and the equipment used was also belonging to the management. Therefore they were held to be the workers. Relying on the ratio in these authorities it is tried to argue that in this case the equipment namely the motor car of the bank was used by Nair. Therefore he has to be called the employee of the bank. This analogy appears to be logical. There the equipment was used for final products. Here in this case this car was given to the concerned officers in view of the terms of their employment for their use and it was not given to Nair directly. Those officers handed over it to Nair as he was their personal driver. I therefore do not

find any substance in the argument for relying on these authorities. Mr. Dube, the Learned advocate for Nair placed reliance on the Standard Vacuum Refining Co., V/s. Their workman AIR 1960 Supreme Court 948. Their Lordships observed it might be that the contractor in a particular case was an independent person and the system was genuine and there might be no question of the employer carrying on the work himself and camouflaging it as if it was done through contractors in order to pay less to the workmen. But the fact that the contract in the case was a bonafide contract would not necessarily mean that it should not be touched by the individual tribunals. Again, that was a case of abolition of contract system. Here in this case the facts which are come on the record in the case the facts which come on the said case. For all these reasons I find that Nair is not a workman of the bank. Naturally the contention that he was not given any notice of retrenchment and the provisions of retrenchment were not complied has no merit. In the result I record my findings on the issues accordingly and pass the following order :—

ORDER

Shri K. S. Sreekumaran Nair was not the workman of the Banque Nationale De Paris.

He is not entitled to any of the reliefs.

S. B. PANSE, Presiding Officer
13-9-1996.

नई दिल्ली, 9 अक्टूबर, 1996

क्र.सं. 3102.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इससे सी सी एन की स्वांग वाशरी के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, श्रवण में निश्चित औद्योगिक विवाद में, केन्द्रीय सरकार औद्योगिक अधिकरण, सं. 1, धनवाद के पंचसद को प्रकाशित करती है, जो केन्द्रीय सरकार को 8-10-96 को प्राप्त हुआ था।

[सं. एन-20012(39)/92-नॉटिआर(सी-1)]
ब्रज मोहन डेस्क अधिकारी

New Delhi, the 9th October. 1996

S.O.3102.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal. (No. 1), Dhanbad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Swang Washery of M/s. C.C.L. and their workmen, which was received by the Central Government on 8-10-1996.

[No. L-20012(39)/92 IR(C-1)]

BRAJ MOHAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL NO. 1, DHANBADIn the matter of a reference under section 10(1)(d)
(2A) of the Industrial Disputes Act, 1947

Reference No. 58 of 1992

PARTIES :

Employers in relation to the management of
Swang Washery of M/s. C.C. L'd.

AND

Their Workmen.

PRESENT :

Shri Tarkeshwar Prasad, Presiding Officer.

APPEARANCES :

For the Employers : Shri R. S. Murthy, Ad-
vocate.

For the Workmen : Shri B. Joshi, Advocate.

STATE : Bihar.

INDUSTRY : Coal.

Dated, the 3rd October, 1996

AWARD

By Order No. L-20012(39)/92, dated the 29th
July, 1992, the Central Government in the Ministry
of Labour has, in exercise of the powers conferred
by clause (d) of sub-section (1) and sub-section (2A)
of Section 10 of the Industrial Disputes Act, 1947,
referred the following dispute for adjudication to this
Tribunal :“Whether the action of the management of
Swang Washery of M/s. C.C. Ltd., P.O.
Swang, Dist. Giridih in denying the absorp-
tion of these workmen who are working as
a contract labour is justified ? If not, to
what relief are the workmen entitled to ?”
A list of workers is enclosed.

1. Name of employer : Bharat Coal Production (Jagru Construction)
2. Address of employer : Office : Main Road Phusro, P.O. Phusro, District : Giridih, Bihar
Side office : Sawang Washery, : P.O. Swang, District : Giridih,
(Now Bokaro)
3. Principal employer : Chairman-cum-Managing Director, Central Coalfields Limited.
4. Address of Principal Employer : Darbhanga House, Ranchi.
5. Number of employees recruited by employer : 312

Sl. No.	Name of employee	Father's name	Wages	Date of appointment
1	2	3	4	5
1.	Ramlal Yadav	Gayaram Yadav	Rs. 10.50 per ton	Dec./79
2.	Manki Rai	Ramlal Yadav	-do-	-do-
3.	Godo Ram	Dayaram	-do-	January/80
4.	Resamati	Godoram	-do-	-do-
5.	Kanhiya Sidar	Godo Sidar	-do-	-do-
6.	Saheb Lal	Krit Ram	-do-	-do-
7.	Tuka Ram	Krit Ram Yadav	-do-	-do-
8.	Ahalya Devi	Tuka Ram Yadav	-do-	-do-
9.	Sabulal Yadav	Siya Ram Yadav	-do-	Dec./79
10.	Faguram Sidar	Dhasia Ram	-do-	-do-
11.	Bhuri Bai	Fagu Ram Sidar	-do-	-do-
12.	Kaetick Ram	Sant Ram	-do-	-do-
13.	Ram Bai	Kartick Ram	-do-	-do-
14.	Radheyshyam	Mantri	-do-	-do-
15.	Pahartin Bai	Radhey Shyam	-do-	-do-
16.	Sitaram Sidar	Mantri	-do-	-do-
17.	Ramesh Choubey	Panchram Choubey	-do-	-do-
18.	Ganga Bai	Ram Narayan	-do-	-do-
19.	Nilkant Dhobi	Gopi Dhobi	-do-	March/86
20.	Butki Bai	Nilkant Dhobi	-do-	-do-
21.	Paralel Sidar	Mohitram Sidar	-do-	-do-

1	2	3	4	5
22.	Dhesnin	Maralal Bidar	Rs. 10.50 per ton	March/83
23.	Shibram Nised	Sukhdeo Nisad	-do-	-do-
24.	Srimati Bai	Shivram Nisad	-do-	-do-
25.	Kaya Bai	Mohanlal Bidar	-do-	-do-
26.	Mohanlal Bidar	Jethu Prasad Bidar	-do-	-do-
27.	Pardeshi Das	Bodhram	-do-	-do-
28.	Narmada Bai	Pardeshi Das	-do-	-do-
29.	Subelal Rajak	Dulal Rajak	-do-	-do-
30.	Dhaniram Sahu	Ram Ratan Sahu	-do-	-do-
31.	Budha Bai	Dhani Ram Sao	-do-	-do-
32.	Puni Ram Yadav	Nanku Yadav	-do-	-do-
33.	Ram Bai	Puni Ram Yadav	-do-	-do-
34.	Ganesh Ram Yadav	Dhajaram Yadav	-do-	-do-
35.	Lakhan Mali	Bhuneshwar Mali	-do-	Dec./79
36.	Nanki Bai	Lakhan Mali	-do-	-do-
37.	Chetram Natnami	Chhatu Satnami	-do-	-do-
38.	Tiharin Bai	Chetram Satnami	-do-	-do-
39.	Mohan Satnami	Chetram Satnami	-do-	-do-
40.	Mondari Bai	Manohar Satnami	-do-	-do-
41.	Fagu Satnami	Chetram Satnami	-do-	-do-
42.	Ram Bai	Fagu Satnami	-do-	-do-
43.	Lohrik Satnami	Chetram Satnami	-do-	-do-
44.	Lakhan Janguda	Priti Janguda	-do-	-do-
45.	Rangma Devi	Lakhan Janguda	-do-	-do-
46.	Babulal Janguda	Prit Janguda	-do-	March/82
47.	Jamuna Bai	Babulal Janguda	-do-	-do-
48.	Basant Janguda	Prit Janguda	-do-	-do-
49.	Bulesh Dhobi	Manu Dhobi	-do-	-do-
50.	Sukanta Bai	Pulesh Dhobi	-do-	-do-
51.	Tiharu Ram	Santu Ram	-do-	-do-
52.	Kausalya Bai	Tiharu Ram	-do-	-do-
53.	Ram Bhoresha Sao	Chhabi Sao	-do-	-do-
54.	Dropadi Bai	Ram Bharosha Sao	-do-	-do-
55.	Somarin Devi	Subelal Rajak	-do-	-do-
56.	Binod Rajak	Subelal Rajak	-do-	-do-
57.	Phulweshwari	Binod Rajak	-do-	-do-
58.	Bodhan Rajak	Subelal Rajak	-do-	-do-
59.	Bahatin Bai	Bodhan Rajak	-do-	-do-
60.	Gayaram Sao	Mantri Sao	-do-	-do-
61.	Gayaram Sao	Mantri Sao	-do-	-do-
62.	Sitadevi	Gayaram Sao	-do-	-do-
63.	Bhuneshwar Prasad	Gaya Prasad Sao	-do-	-do-
64.	Sukhiram Sao	Chot Ram	-do-	-do-
65.	Sonarin	Sukhiram	-do-	-do-
66.	Bhojram	Sukhram	-do-	-do-
67.	Dropadi Bai	Bhojram	-do-	March/86
68.	Sadhram	Sukhram	-do-	January/87
69.	Janki Bai	Sadhram	-do-	March/86

1	2	3	4	5
70.	Sukhehand Sao	Phul Singh	Rs. 10.50 portion	February/87
71.	Amsodia	Sukh Chand	-do-	March/82
72.	Jyoti Ram	Kodhir Ram	-do-	-do-
73.	Bora Bai	Jyoti Ram	-do-	-do-
74.	Kunumati	Kodbir Ram	-do-	-do-
75.	Jagdish Chouhan	Baiju Chouhan	-do-	-do-
76.	Ramratan Devi	Jagdish Chouhan	-do-	-do-
77.	Bisheshwar Chouhan	Jagdish Chouhan	-do-	-do-
78.	Urmila Devi	Bisheshwar Chouhan	-do-	March/86
79.	Hiralal Chouhan	Jagdish Chouhan	-do-	-do-
80.	Sabo Devi	Hiralal Chouhan	-do-	-do-
81.	Punam Devi	Jagdish Chouhan	-do-	-do-
82.	Sarju Nonia	Arjun Nonia	-do-	-do-
83.	Munmatia Devi	Sarju Nonia	-do-	-do-
84.	Babulal Baid	Budhu Baid	-do-	March/82
85.	Jyoti Bai	Babulal Baid	-do-	-do-
86.	Durjadhan Dhobi	Girdhari Dhobi	-do-	-do-
87.	Sukhwara Bai	Durjadhan Dhobi	-do-	-do-
88.	Bhokla Kewat	Maindu Kewat	-do-	-do-
89.	Bipat Bai	Phokla Kewat	-do-	-do-
90.	Ganga Ram	Pran Ram	-do-	March/83
91.	Phulu Bai	Ganga Ram	-do-	-do-
92.	Pran Ram	Sado Ram	-do-	-do-
93.	Lakhan Bai	Pran Ram	-do-	March/82
94.	Chandradeo Chouhan	Ramdevi Chauhan	-do-	March/86
95.	Jirwa Devi	Ramdevi Chouhan	-do-	-do-
96.	Ramdevi Chouhan	Sahadeo Chouhan	-do-	-do-
97.	Manharan Kewat	Tiju Kewat	-do-	-do-
98.	Munimati	Manharan Kewat	-do-	-do-
99.	Jagdish Ram	Anand Ram	-do-	-do-
100.	Pirtin Bai	Jagdish Ram	-do-	-do-
101.	Babu Ram	Ganesh Ram	-do-	-do-
102.	Sukhwari Devi	Babu Ram	-do-	-do-
103.	Ramu Yadav	Mayaram Yadav	-do-	-do-
104.	Sona Bai	Ramu Yadav	-do-	-do-
105.	Rajendra Bhuinya	Kishna Bhuinya	-do-	-do-
106.	Kausalya Devi	Rajendra Bhuinya	-do-	-do-
107.	Dinesh Prasad	Ramadhan Yadav	-do-	-do-
108.	Jirobi Devi	Sanichar Bhuinya	-do-	-do-
109.	Mahendra Bhuinya	Badri Bhuinya	-do-	-do-
110.	Shib Kumar Jangda	Santu Jangda	-do-	-do-
111.	Purie Bai	Shibkumar Jangda	-do-	-do-
112.	Ganesh Ram	Bakunt Ram	-do-	-do-
113.	Dayamati	Ganesh Ram	-do-	-do-
114.	Bisheshwar Prasad	Ajit Ram	-do-	-do-
115.	Dukhni Bai	Bisheshwar Prasad	-do-	-do-
116.	Pomidass	Danesh	-do-	-do-

1	2	3	4	5
118.	Adhori Ram	Jaget Ram	Rs. 10.50 perton	May/86
119.	Ganga Bai	Puni Ram	-do-	-do-
120.	Bundh Ram	Chit Ram	-do-	-do-
121.	Cesh Bai	Pund Ram	-do-	-do-
122.	Kailash Chouhan	Ramlakhan Chouhan	-do-	-do-
123.	Rajrani Devi	Kailash Chouhan	-do-	-do-
124.	Rajwali Chouhan	Bhigari Chouhan	-do-	-do-
125.	Kamlesh Chouhan	Ramlakhan Chouhan	-do-	-do-
126.	Panmati Devi	Ramji Chouhan	-do-	-do-
127.	Kanhaiyalal	Tilak Ram	-do-	-do-
128.	Firtin Bai	Kanhaiyalal	-do-	-do-
129.	Bhune Yadav	Mansa Gope	-do-	-do-
130.	Madhoya Bhuinya	Kishna Bhuinya	-do-	-do-
131.	Sanab Ram	Parash Ram	-do-	-do-
132.	Sumitra Devi	Sanah Ram	-do-	-do-
133.	Rabik Ram	Parash Ram	-do-	-do-
134.	Bhuban Lal	Chhedu Ram	-do-	-do-
135.	Sedhiya Bai	Phuban Lal	-do-	-do-
136.	Mohnar Lal	Lain Das	-do-	-do-
137.	Nuni Bai	Lain Das	-do-	-do-
138.	Rajin Bai	Parash Ram	-do-	-do-
139.	Malati Bai	Sat Ram	-do-	-do-
140.	Bisheshwar Tirki	Mati Prakash Tirki	-do-	-do-
141.	Santi Devi	Bishwashvar Tigro	-do-	-do-
142.	Baid Ram	Chit Ram	-do-	-do-
143.	Sukhari Bai	Baid Ram	-do-	-do-
144.	Bharat Ram	Hazari Ram	-do-	-do-
145.	Phul Bai	Bharat Ram	-do-	-do-
146.	Narayan Yadav	Bahal Gope	-do-	-do-
147.	Japna Gope	Bhocha Gope	-do-	-do-
148.	Kanchan Munda	Sukhan Munda	-do-	-do-
149.	Pancham Devi	Kanchan Munda	-do-	-do-
150.	Sukhan Munda	Pati Munda	-do-	-do-
151.	Tola Devi	Sukhan Munda	-do-	-do-
152.	Jadnu Munda	Pati Munda	-do-	-do-
153.	Karmo Devi	Jadnu Munda	-do-	-do-
154.	Birsha Munda	Ahalad Munda	-do-	-do-
155.	Mangri Mundain	Birsha Munda	-do-	-do-
156.	Sanichar Munda	Chhedi Munda	-do-	-do-
157.	Mira Bai	Sanichar Munda	-do-	-do-
158.	Makhan Lal	Patlu Lal	-do-	-do-
159.	Jagmati	Makhan Lal	-do-	-do-
160.	Tula Ram	Nathu Ram	-do-	-do-
161.	Sukata Bai	Chhatu Ram	-do-	-do-
162.	Chhatu Mali	Chhota Ram	-do-	-do-
163.	Nanki Bai	Chhota Mali	-do-	-do-

1	2	3	4	5
164.	Raja Ram	Ramdin Chouhan	10.50	per ton May/1986
165.	Ako Devi	Raja Ram	-do-	-do-
166.	Raghenath	Chhabi Sao	-do-	-do-
167.	Kausal Prasad	Ramadhari Prasad	-do-	-do-
168.	Ramnath Sao	Chhabi Sao	-do-	-do-
169.	Duja Ram	Gaya Ram	-do-	-do-
170.	Paharatu	Kirti Ram	-do-	-do-
171.	Tijmati	Paharatu	-do-	-do-
172.	Naresh Ram	Santu Ram	-do-	1980
173.	Lakshmin Bai	Naresh Ram	-do-	-do-
174.	Ramesh Prasad	Daya Ram Prasad	-do-	-do-
175.	Adhotia Kamin	Mansha Sao	-do-	1932
176.	Ashok Bhuinya	Sanichar Bhuinya	-do-	1986
177.	Asha Devi	Mahendra Bhuinya	-do-	-do-
178.	Krishna Bai	Ram Charita Ram	-do-	-do-
179.	Pili Bai	Prit Jangra	-do-	-do-
180.	Deglal Mahto	Kaila Mahto	-do-	May/80
181.	Dineshwar Mahto	Late Jiblal Mahto	-do-	June/81
182.	Rajendra Prasad	Bhuneswar Prasad	-do-	-do-
183.	Surendra Prasad Yadav	Ganesh Gope	-do-	-do-
184.	Ashish Prasad	Kedar Nath	-do-	1986
TRUCK LOADERS :				
185.	Basant Bhuinya	Jethu Bhuinya	-do-	1980
186.	Bisundhari Bhuinya	Jethu Bhuinya	-do-	-do-
187.	Bhuneswar Bhuinya	Somar Bhuinya	-do-	-do-
188.	Chota Bhuinya	Sambhu Bhuinya	-do-	-do-
189.	Bhikhari Bhuinya	Lagan Bhuinya	-do-	-do-
190.	Ashok Prasad	Bashai Rowani	-do-	-do-
191.	Arjun Singh	Ram Lakhan Singh	-do-	-do-
192.	Pagla Bhuinya	Badri Bhuinya	-do-	-do-
193.	Rukmaia Devi	Pagla Bhuinya	-do-	-do-
194.	Kausalya Devi	Jethu Bhuinya	-do-	-do-
195.	Nanki Devi	Ranlal Satnami	-do-	-do-
196.	Lakshmi Bai	Puti Rani Satnami	-do-	-do-
197.	Photo Bai	Chasiya Satnami	-do-	-do-
198.	Jitan Bhuinya	Semar Bhuinya	-do-	-do-
199.	Ram Chandra Gope	Gavna Gope	-do-	-do-
200.	Ruplal Prajapati	Delu Prajapati	-do-	-do-
201.	Teklal Prajapati	Punit Prajapati	-do-	-do-
202.	Budhan Prajapati	Khiru Prajapati	-do-	-do-
203.	Bhim Prajapati	Deoki Prajapati	-do-	-do-
204.	Premchand Prajapati	Phalo Prajapati	-do-	-do-
205.	Piyari Prajapati	Khiru Prajapati	-do-	-do-
206.	Kaleshwar Prajapati	Hulash Prajapati	-do-	-do-
207.	Khublal Prajapati	Molo Prajapati	-do-	-do-
208.	Sukar Prajapati	Mano Prajapati	-do-	-do-
209.	Nandlal Prajapati	Gungar Prajapati	-do-	-do-

1	2	3	4	5
210.	Parmeshwar Prajapati	Hulash Prajapati	10.50 per ton	1980
211.	Raghu Bhuinya	Sanichar Bhuinya	-do-	-do-
212.	Notka Bhuinya	Shyamlal Bhuinya	-do-	-do-
213.	Mahendra Bhuinya	Mathoa Bhuinya	-do-	-do-
214.	Mathura Bhuinya	Jagdish Bhuinya	-do-	-do-
215.	Krishna Bhuinya	Rameshwar Bhuinya	-do-	-do-
216.	Balalu Bhuinya	Latari Bhuinya	-do-	-do-
217.	Moharai Vishwakarma	Channa Vishwakarma	-do-	-do-
218.	Dasrath Vishwakarma	Dhoma Vishwakarma	-do-	-do-
219.	Pradeep Vishwakarma	Chandea Vishwakarma	-do-	-do-
220.	Phirat Lal Chanda	Gandhi Chanda	-do-	-do-
221.	Baijnath Gope	Late Gope	-do-	-do-
222.	Manwa Devi	Netka Bhuinya	-do-	-do-
223.	Rameshwar Bhuinya	Etuari Bhuinya	-do-	-do-
224.	Somar Bhuinya	Banwari Bhuinya	-do-	-do-
225.	Krishna Prasad	Hari Prasad	-do-	-do-
226.	Bijay Prasad	Harihar Prasad	-do-	-do-
227.	Chandradip Pashi	Punit Pashi	-do-	-do-
228.	Bakhori Sao	Mahabir Sao	-do-	-do-
229.	Bitai Sao	Mahadeo Sao	-do-	-do-
230.	Rambali Bhuinya	Nageshwar Bhuinya	-do-	-do-
231.	Krishna Rabidas	Kishan Rabidas	-do-	-do-
232.	Suresh Bhuinya	Basant Bhuinya	-do-	-do-
233.	Nirmal Bhuinya	Somar Bhuinya	-do-	-do-
234.	Gopal Bhuinya	Dabu Bhuinya	-do-	-do-
235.	Hiralal Bhuinya	Bigan Bhuinya	-do-	-do-
236.	Munda Devi	Kishan Bhuinya	-do-	-do-
237.	Phulmani Kamin	Rebu Bhuinya	-do-	-do-
238.	Bhukri Kamin	Churaman Rabidas	-do-	-do-
239.	Shyamlal Bhuinya	Jhari Bhuinya	-do-	-do-
240.	Rohini Devi	Shyamlal Bhuinya	-do-	-do-
241.	Ramesh Gope	Basdeo Gope	-do-	-do-
242.	Gouri Gope	Panchu Gope	-do-	-do-
243.	Jagdish Gope	Mutar Gope	-do-	-do-
244.	Narayan Gope	Phutu Gope	-do-	-do-
245.	Sundarlal Gope	Badri Gope	-do-	-do-
246.	Baleshwar Manjhi	Mansha Manjhi	-do-	-do-
247.	Sital Manjhi	Sonaram Manjhi	-do-	-do-
248.	Karn Manjhi	Sonaram Manjhi	-do-	-do-
249.	Badri Manjhi	Budhan Manjhi	-do-	-do-
250.	Vijay Bhuinya	Keshar Bhuinya	-do-	-do-
251.	Mongra Manjhi	Habu Manjhi	-do-	-do-
252.	Phulchand Yadav	Kartick Gope	-do-	-do-
253.	Lallu Gope	Kartick Gope	-do-	-do-
254.	Narayan Gope	Kartick Gope	-do-	-do-
255.	Ram Chandra Gope	Dabli Gope	-do-	-do-

1	2	3	4	5
256.	Bhim Gope	Mani Gope	Rs. 10.50 Per ton	1980
257.	Babu Lal Gope	Paltu Gope	-do-	-do-
258.	Lakhan Rabidas	Hiru Rabidas	-do-	-do-
259.	Bishnu Karmali	Latan Karmali	-do-	-do-
260.	Chandradeo Yadav	Basdeo Yadav	-do-	-do-
261.	Chhatu Phuinya	Phushan Bhuinya	-do-	-do-
262.	Manik Gope	Bandhan Gope	-do-	-do-
263.	Meghlal Gope	Ganya Gope	-do-	-do-
264.	Budhan Gope	Ghuchu Gope	-do-	-do-
265.	Suresh Gope	Khutia Gope	-do-	-do-
266.	Chaita Gope	Gudaria Gope	-do-	-do-
267.	Jailal Mahto	Johar Mahto	-do-	-do-
268.	Gulab Mahto	Hulash Mahto	-do-	-do-
269.	Mohan Mahto	Chhedi Mahto	-do-	-do-
270.	Girdhari Gope	Nanku Gope	-do-	-do-
271.	Bhukhan Gope	Mangar Gope	-do-	-do-
272.	Tulshi Gope	Hiralal Gope	-do-	-do-
273.	Jagdish Gope	Bandhan Gope	-do-	-do-
274.	Raghunath Gope	Sambhu Gope	-do-	-do-
275.	Somar Manjhi	Mansha Manjhi	-do-	-do-
276.	Somar Manjhi	Churulal Manjhi	-do-	-do-
277.	Lalji Manjhi	Mihilal Manjhi	-do-	-do-
278.	Chhotan Manjhi	Luthu Manjhi	-do-	-do-
279.	Aghnu Gope	Mongar Gope	-do-	-do-
280.	Babuchand Manjhi	Churulal Manjhi	-do-	-do-
281.	Lalit Bhuinya	Jalwa Bhuinya	-do-	-do-
282.	Kashi Gope	Biltu Gope	-do-	-do-
283.	Shyamlal Manjhi	Sukar Manjhi	-do-	-do-
284.	Bindhi Ram Manjhi	Chetwa Manjhi	-do-	-do-
285.	Dulari Manjhi	Karwa Manjhi	-do-	-do-
286.	Manjhla Manjhi	Thakur Manjhi	-do-	-do-
287.	Majhli Kamin	Bhadawa Manjhi	-do-	-do-
288.	Jugal Karmali	Mitan Karmali	-do-	-do-
289.	Dharmendra Prasad	Bajjnath Prasad	-do-	-do-
290.	Ramesh Manjhi	Manjhla Manjhi	-do-	-do-
291.	Aghania Devi	Dukhu Sao	-do-	-do-
292.	Balwa Devi	Thakur Karmali	-do-	-do-
293.	Dhaneshwar Manjhi	Lakhi Ram Manjhi	-do-	-do-
294.	Kameshwar Rabidas	Karo Rabidas	-do-	-do-
STAFF				
295.	Imamul Haque	Amriuddin	Rs. 600/- per month	-do-
296.	Birbanshi Singh	Rampujan Singh	-do-	-do-
297.	Satrughan Prasad	Ram Khelwan Singh Yadav	-do-	-do-
298.	Ashok Kumar	—	-do-	-do-
299.	Suresh Ram	—	-do-	-do-
300.	Kapil Roy	—	-do-	-do-

1	2	3	4	5
NIGHT GUARD ;				
301.	Anirudh Pathak	Ram Ekhal Pathak	Rs. 600/- p.m.	1980
302.	Amid Kumar Sinha	Anand Behari Singh	-do-	-do-
303.	Uma Shankar Pandey	Sahadeo Pandey	-do-	-do-

1. Name of Employer : Chanpi Labour Co-operative Society
2. Working Place : Sawang Washery, Slurry Side , P.O. Sawang District : Giridih
(Now Bokaro)
3. Principal Employer : Chairman-Cum-Managing Director, Central Coalfields Limited
4. Address of Principal Employer : Darbhanga House, Ranchi
5. Number of Employee recruited by Employer : 57

Sl. No.	Name of employee	Father's Name	Wages	Date of appointment
1	2	3	4	5
1.	Lalo Singh	Budhan Singh	Rs. 10.00 per day	1980
2.	Moti Rabidas	Gouri Rabidas	-do-	-do-
3.	Phuti Rabidas	Gouri Rabidas	-do-	-do-
4.	Moti Bhuinya	Lachman Bhuinya	-do-	-do-
5.	Madhu Rabidas	Hemlal Rabidas	-do-	-do-
6.	Motilal Bhuinya	Dhanu Bhuinya	-do-	-do-
7.	Jagdish Yadav	Lutan Gope	-do-	-do-
8.	Mahendra Rajak	Deoki Rajak	-do-	-do-
9.	Pati Mahto	Nemchand Mahto	-do-	-do-
10.	Charkhu Ganjhu	Jodhan Ganjhu	-do-	-do-
11.	Kedar Yadav	Mohan Yadav	-do-	-do-
12.	Saheb Lal Chouhan	Bhola Chouhan	-do-	-do-
13.	Achhai Lal Chouhan	Bali Chouhan	-do-	-do-
14.	Sambhu Chouhan	Bali Chouhan	-do-	-do-
15.	Satish Chouhan	Etawari Chouhan	-do-	-do-
16.	Kitu Rabidas	Dasai Rabidas	-do-	-do-
17.	Sahadeo Dusadh	Alkhoru Dusadh	-do-	-do-
18.	Bhuneshwar Bhuinya	Jitan Bhuinya	-do-	-do-
19.	Bali Ram Rewani	Dukhgan Rewani	-do-	-do-
20.	Bibijan Singh	Prayag Singh	-do-	-do-
21.	Surendra Rajak	Deoki Rajak	-do-	-do-
22.	Tulu Rabidas	Meehu Rabidas	-do-	-do-
23.	Lalo Rabidas	Bishun Rabidas	-do-	-do-
24.	Chandu Chouhan	Chandradip Chouhan	-do-	-do-
25.	Bitan Rabidas	Dasaiya Rabidas	-do-	-do-
26.	Babu Munda	Ramlal Munda	-do-	-do-
27.	Anrit Ganjhu	—	-do-	-do-

1	2	3	4	5
28.	Beni Kewat	Mithu Kewat	Rs. 10/- per day	1980
29.	Mukund Dusadh	Alkhorl Dusadh	-do-	-do-
30.	Rabiddra Kumar	Prayag Prasad	-do-	-do-
31.	Arjun Prasad	Dilo Prasad	-do-	-do-
32.	Barun Prajapati	Banwashi Mehto	-do-	-do-
33.	Gyan Chand Prasad	Babulal Prasad	-do-	-do-
34.	Thakur Prasad Yadav	Munshi Gope	-do-	-do-
35.	Tirak Rabidas	—	-do-	-do-
36.				
37.				

TRUCK LOADER MAZDOORS:

38.	Dhanu Ram Bhuinya	Sonichar Bhoniya	-do-	-do-
39.	Jadu Ram Ganjhu	Bandhu Ganjhu	do	-do-
40.	Baleshwar Bhuinya	Honia Bhuinya	-do-	-do-
41.	Dukhiya Bhuinya	Baro Bhuinya	-do-	-do-
42.	Deepak Bhuinya	Prasad Bhuinya	-do-	-do-
43.	Kartick Bhuinya	Baldeo Bhuinya	-do-	-do-
44.	Ganesh Bhuinya	Dukhinya Bhuinya	do	do
45.	Manoya Devi	Baleshwar Bhuinya	do	do
46.	Kaila Ganjhu	Charku Ganjhu	-do-	-do-
47.	Pakari Ganjhu	Ruplal Ganjhu	-do-	-do-
48.	Somar Manjhi	Ajo Manjhi	-do-	-do-
49.	Sikari Manjhi	Bajo Manjhi	-do-	-do-
50.	Bigal Gope	Latu Gope	-do-	-do-
51.	Ramesh Manjhi	Hopan Manjhi	-do-	-do-
52.	Khirodhar Ganjhu	Rameshwar Ganjhu	-do-	-do-
53.	Dabi Ram Manjhi	Dubraj Manjhi	-do-	-do-
54.				
55.				
56.				
57.				

2. The sponsoring union and the workman have filed their written statement stating that Swang Coal Washery is a part of coal mines under the provisions of Mines Act, 1952 and the coal raised from the mine is processed and washed at this washery to improve the quality of coal to be used for metallurgical purposes. In the process of formation of coal seam certain impurities like shale and stone get intermixed 2563 GI 96—18.

and other materials which is separated by mechanical process is known as washing of coal in the washery. In the process best quality coal is separated and thereafter other part left is known as middlings and slurry being second and third grade of coal. Slurry is allowed to flow on the ground and collected in the pond where it settled in the surface from where it is taken out and the water is discharged there.

After removal of slurry briquettes are prepared which is fired and quenched by pouring water as required and this briquettes contain more carbonaceous materials which produced energy when it is burnt. It is also said that 1-1/2 tonnes of raw briquettes produced about one tonne of finished products which is sold out in the market at Rs. 1400 per tonne. It is also said that M/s. C.C. Ltd. has engaged contractor for the purpose of removal of slurry and manufacture of briquettes by using ingenuity and paper transactions for the purpose of personal gain and causing loss of the workmen. It is said that the workmen engaged by the contractor for removal of slurry for making raw briquettes, manufacture of finished products and loading of the same in trucks altogether costs Rs. 75 only. It is also said that the contractor deposits Rs. 377 per tonne of slurry used in manufacturing of briquettes and total cost comes to less than Rs. 700 per tonne and as such extra Rs. 700 per tonne is benefited to the contractor and management. It is also said that total output of briquettes is 10,000 to 15,000 per month the huge profits gathered is distributed amongst the interested persons whereas the workmen engaged by the contractor are exploited by depriving the legitimate dues to the poor workman.

3. It is also said that the concerned workmen as mentioned in the schedule of the reference were engaged on the job of recovering slurry, making briquettes, making finished products and loading the same into trucks. They have been shown as contractor workmen just by making some paper arrangement and engaging some intermediaries just to exploit the workers. It is said that the concerned workmen agitated before the management of M/s. C.C. Ltd. for their regularisation and they did not accept their demand and created labour co-operative with some favourite persons of the management being its office bearers and exploitations of the workers are still going on.

4. It is also said that by Government of India Notification dated 11-12-1990 the Central Government has prohibited engagement of contract labour in the washeries on the job of transport of middlings

and removal of slurry. Even thereafter the management was engaging the concerned workmen for afore-said removal of slurry and for production of briquettes and its loading in trucks which comes under the prohibited category of job. It is further said that all the concerned workmen were under the direct control and supervision of the management and worked as per direction of officers of the management and implementers were also supplied to them for the work. It is also said that the management had agreed not to engage contract labour in permanent and perennial nature of job as per provisions made in NCWA and engagement of contract labour is violation of above provision and also against the Contract Labour (Regulation & Abolition) Act, 1970. It is also said that the concerned workmen were being employed by contractor workers by utilising paper transaction with ulterior motive and causing loss to the workers. As such, it was prayed for passing the award accordingly.

5. I further find that the management has appeared and filed written statement-cum-rejoinder to the written statement of the workmen stating inter alia, that the reference is not maintainable and there is no industrial dispute and no such union, namely, Thekedar Mazdoor Union exists in the Swang Colliery of M/s. C.C. Ltd. and it has no locus standi to raise the dispute. The concerned workmen having listed in the schedule of reference are not members of the union and there was not employer-employee relationship between the management and so-called persons concerned and they are strangers. The reference order is said to be misconceived and baseless and unwarranted to say that the workmen concerned were contract labour and the management was wrongly asked to justify their action which it was not required at all to answer. It is said that Swang Colliery is one of the coal washery of M/s. C.C. Ltd. under the District of Bokaro and it is registered under the Factories Act, 1948 and it is not a mine under the Mines Act, 1952. Swang Washery is engaged in washing raw coal for its use in Steel Plants and other washeries and in the process of cleaning the coal some fine material and rejects flowing out of the washery known as slurry which is collected outside the washery premises, i.e., outside the factory

area and for the area from which the slurry flows, the appropriate Authority is not the Central Government; but the State Government and the reference order is null and void.

6. It is also said that the management was not removing the slurry of its own or through contractor and it was being sold by the management to different purchasers from time to time through sale orders and payment was made by them at the rates fixed by the management and the slurry is collected by the purchasers outside the washery premises. It is also said that the washery is complete when clean coal is produced for supply to the Steel Plant and mode of collection of slurry by the purchasers are noted in the sale order and the purchasers engage their own persons for collecting of slurry and for preparation of briquettes etc. on the land of the management given on rent. It is also said that the purchasers of slurry sells the briquettes to other parties as per its agreement and weight of briquettes is made for the purpose of collection of price of slurry as per ratio determined between the weight of briquettes and slurry used for the same. It is also said that M/s. CCL has nothing to do with the slurry once it is taken by the purchaser. It is said that the management has nothing to do with the men engaged by the purchaser of slurry or those who manufacture briquettes and other activities. It is said that the purchaser cannot be said to be contractor as per provision under Contract Labour (Regulation & Abolition) Act, 1970 and the purchaser of slurry not being contractor cannot come under Contract Labour category.

7. It is also said that the union concerned has inflated a number of persons by several times and the number involved is given in the list attached with the reference. It is also said that the parties purchasing slurry do not engage workers/persons all along and they keep on changing and it is finally said that in the above circumstances the management are not required to take any action as envisaged in the terms of reference or to give any relief or reliefs to the concerned workmen.

8. I further find that by way of rejoinder to the written statement given by the concerned workman and sponsoring union it has been denied specifically and parawise stating the same to be not correct and being false and baseless. The claim of the concerned workmen is also said to be not relevant for the purpose of this case and same has been denied specifically and it is clearly said that as the management has nothing to do with the claim of the concerned workmen and it is said that the Tribunal may be pleased to pass award accordingly.

9. I also find that a rejoinder has also been filed by the sponsoring union and the workmen to the written statement filed by the management and the contention of the management has been specifically denied parawise stating the same to be incorrect, misconceived and baseless and also not being fully correct. It is said to be incorrect that the management has nothing to do with the concerned workmen who were engaged for recovery of slurry, manufacturing of briquettes, loading the same to the

truck etc. and it is said that the concerned workmen were working under the direct control and supervision of the officers of the management as well as the contractor of the management. It is finally said that the contention of the management be rejected and the award be passed in favour of the workmen.

10. On the basis of the pleading of parties the points for consideration in this reference are— (a) As to whether the action of the management in denying absorption of the workmen working as contract labour was justified? and (b) If not what relief/reliefs are they entitled to?

11. Both the points being interlinked and for convenience both are taken together for their consideration.

12. In support of their respective case the management and the workmen have examined their witnesses and M/W-1 Krishna Kumar Singh who worked at Swang Washery from 1974 to 1994 as Junior Executive Trainee to Project Officer have been examined who has tried to support the case of the management as per pleading taken in the written statement. However, in cross-examination he has stated that Swang Washery is one of five washeries under M/S. C. C. Ltd. and other being at Kathara and this washery operates continuously and huge quantity of water used for washing coal and after washing the said water is collected in huge water tank and from there it is pumped out for flow of coal. He also said that sale of slurry was started in the year 1979-1980 and had also admitted that writ application was filed by the management and the Hon'ble Supreme Court had declared the slurry to be coal but had denied that after this decision the Coal Companies sell the slurry to the Steel Plants. He has stated that at Swang Washery the slurry was sold to two private firms and the purchaser is to remove slurry manually as well through pay loaders and had denied that the slurry was being removed by the workmen of the contractor who was engaged by the management. He has further admitted that the purchaser used to manufacture briquettes from slurry on nearly area from where slurry was removed and for making one ton briquette 1.50 tonnes slurry was used and its price was paid. He could not say that the concerned workmen were engaged there for slurry removal, operation of briquettes and its firing, quenching and loading of the same on the truck. He has denied that only after loading of briquettes on the truck it was sold to the purchaser and has also denied that since 1980 the management was engaging contractor for doing the said work. He could not say that in the year 1990 by Central Government Notification the aforesaid work was ordered to be stopped through contract labour. He has denied that only after that notification the papers were prepared by the management to show that the slurry was being sold to the purchaser company continued earlier system of selling and engaging contractors. He could not say that contract labourers were regularised in service after promulgation of Notification in the year 1990 in other washeries except Swang Washery. He has also stated that this washery was registered under the Factories Act.

11. Two witnesses have been examined on behalf of the workmen, namely, WW-1 Suresh Kumar Sharma who was Secretary of the union, Thekedar Mazdoor Union and WW-2 Binod Rajak, one of the concerned workman working there since 1978. In their examination-in-chief both of them have tried to support their case as given in their written statement and rejoinder. Both of them have been examined in full details and have been cross-examined. WW-1 has proved Exts. W-3, W-4 and W-4/1 and has stated that as per award given vide Ext. W-3 the services of the slurry removal contract workers were regularised by the management at Kathara Washery and for that he has produced one letter marked 'x' for identification which was issued by the General Manager of Kathara Washery and it is said that Swang Washery was also within the same jurisdiction of the General Manager. He has further stated that he has got the constitution of the union, receipts of membership register and he can file the same. His further evidence is that there were only two contractors working in the area for slurry removal, namely, Bharat Coal Product and Champi Labour Co-operative Society and earlier this Bharat Coal Produce was known as "Jugnu Construction Company". He has denied that these two firms are not contractor's firms of the management. He has denied that these contractors purchase slurry from the management and the management had no concern with slurry removal and manufacture of briquettes etc. He has also denied that the above two firms which are, according to him, contractor's firms never employed more than 30 to 40 workers for slurry removal and connected works. W.W.2 is one of the concerned workman and his wife, Fuleshwari Devi was also one of the workman and both of them were getting Rs. 200 to Rs. 250 every week. He has said that Bharat Coal Product, Contractor's firm is their employer where about 312 workmen were employed and in Champi Labour Co-operative Society is another Contractor's firm where 60 workmen were employed. He too know that the contractor was involved for slurry removal work and that the company was purchasing slurry from the management. He has further said that if slurry is not removed it will flow down in the river and to the nearby quarry. He has further said that number of trucks were being loaded daily differs from time to time and as many as 20 trucks may be loaded in a day. He knows all the concerned workmen but could not tell their names and he became member of the sponsoring union in the year 1986. He and other workmen worked under the instruction of Murteja and Mishra, officers of M/s. C. C. Ltd. and he was working since the year 1978 and their claim for their regularisation in service is justified. There is no witness in the case.

12. Some documents have been filed on behalf of the parties and the management has filed Ext. M-1 which is yearly statement of coal production for the years 1989, 1991 and 1992, Ext. M-2 is copy of C.C. order dated 4-5-1990 passed by the Hon'ble Supreme Court in C.A. No. 3778/89 by which time was extended for a week to deposit Rs. 10 lacs by Bharat Coal Products. Exts. M-4 and M-5 are sale

orders and Exts. M-6 to M-6/4 are Factory licence issued by the Inspector of Factories. From these document it has been tried to show by the management that the two above noted firms were purchasers of slurry and not contractors as claimed by the workmen and that vide Ext. M 4 and Ext. M-5 sale orders of slurry was issued to these two firms on the terms and conditions mentioned therein and land was provided nearby for preparation of briquettes on payment of rent and as such the management was not concerned with removal of slurry and preparation of briquettes and no intermediary contractors were employed by the management for the aforesaid work and it was the purchasers of two firms who have employed the concerned workmen for removal of slurry and preparation of briquettes to which the management had no concern. From Exts. M-6 to M-6/4 it has been tried to be shown that Swang Coal Washery is a factory for which due licence was issued to the washery by the Inspector of Factories and it was not part of mine as alleged by the concerned workmen and slurry removal was done outside the factory premise of Swang washery which was not related to the work of the washery.

13. On the other hand, some documents have also been filed on behalf of the workmen which are Ext. W 1 copy of Govt. Notification dated 11-12-1990 by which transport of middling and removal of slurry was prohibited to be done by the contract labourers. Ext. W-2 is photo copy of C.C. Judgment of Hon'ble Supreme Court in Civil Appeal No. 4521/86 by which their Lordships of Hon'ble Apex Court have held that slurry is sort of coal and under Sec. 18(2)(k) the Central Government was competent authority to regulate disposal and discharge of waste of the coal mine and not the State Government. It is also held that disposal of slurry coming out of a washery is covered by the Coal Mines Act and the State Government has no authority to grant any lease of settlement for collecting the same. It is also held by their Lordships that a coal washery is included within the definition of mines under the Mines Act 1952. Similarly Ext. W 3 is award given by this Industrial Tribunal in Reference No. 113/90 by the then Presiding Officer, Sri S. K. Mitra dated 25-9-1991 which was between the management of Kathara Washery under M/s. C.C. Ltd. Vs. their workmen and it was held that the action of the management of Kathara Coal Washery by not regularising the services of the concerned workmen and not paying them wages equal pay for equal work was not justified. Exts. W-4 and W4/1 are two letters issued by M/s. C. C. Ltd. Project Officer, Swang Washery to the conveynor. Tikadar Mazdoor Union and to M/s. Jugnu Construction Company, Phusro relating to slurry removal work and briquette manufacturing work. Similarly Ext. 'X' marked for identification is a letter issued by M/s. C. C. Ltd. General Manager, Kathara to one Md. Gulshariff for regularisation of his service as per award passed in Reference No. 135/90. From this exhibit it has been tried to show by the concerned workman that similarly placed workman of Kathara Washery were regularised after the award was passed in Ref. No. 135/90 and also as per award passed in Ref. No. 113/90 and the case of the present concerned

ed workmen is on the similar footing. It has also been pointed out that as per judgement of the Hon'ble Apex Court vide Ext. W-2 it is clear that coal washery is a part of coal mine and it can't be turned as a Factory and the competent authority for passing any order related to work of the washery was the Central Government under the Mines Act and not the State Government and so the factory licence issued by the Inspector of Factories, State of Bihar was of no use and it was superfluous. It was also tried to point out that as per said Ext. W-2 slurry has been declared to be a type of coal and work of slurry removal, middlings and loading was prohibited vide Government Notification Ext. W-1 and the concerned workmen being employed by the intermediary contractor by the management for carrying on prohibited work of slurry removal and its allied work was not permitted under law and the concerned workmen were fully entitled for being regularised in service as done in other coal washeries of the same management of M/s. C.C. Ltd.

14. I further find that the sponsoring union has filed photo copy of its registration certificates and letter from Dy. Registrar, Ministry of Labour to the Secretary, sponsoring union relating to its registration and certificate of affiliation to All India Trade Union Congress has also been filed to show that the sponsoring union is a registered Trade Union working under the district of Giridih and at present Bokaro District and the workmen were affiliated to this union. A copy of minutes of meeting between the management and members of Thekedar Mazdoor Union held on 11-5-1994 at 4.30 P.M. with enclosure have also been filed to substantiate the contention that the sponsoring union is working in Swang Washery area and representing the concerned workmen. This document was filed by the sponsoring union as on asking by the management in course of cross-examination of WW-1.

15. While arguing the case it has been submitted on behalf of the management that the reference itself is not sustainable under law and misconceived and award can be passed on this reference. However, I agree to the contention of the sponsoring union that the Tribunal could not go beyond the reference made by the Ministry and there are number of authorities on this point given by the Hon'ble Apex Court and there is no merit at all in this contention of the management. Another point raised is that the sponsoring union was not registered Trade Union and the concerned workmen were not affiliated and it was not competent to raise the dispute on behalf of them. This point also goes against the details of the reference and in view of the above documents filed by the sponsoring union there is no merit at all on the plea taken by the management. So far another point raised as Swang Washery is not covered under Mines Act, 1952 and slurry is not coal and it is a factory within its boundary and no contractor was engaged by the management for removal of slurry. As per Ext. M-4 and M-5 sale order was given to two firms for removal of slurry and for preparation of briquettes on payment of price and also on payment of rent for use of land for the same. However, it has been submitted

on behalf of the workmen and the sponsoring union that in view of judgement of Hon'ble Supreme Court vide Ext. W-2 and award given by this Tribunal in Reference No. 113/90, it is clear that Coal Washery is covered within the definition of mine under the Mines Act, 1952 and is part of coal mines and slurry is a type of coal and from Ext. M-4 and M-5 it is clear that order was given for lift of slurry from Swang Washery which means the slurry was to be removed from Swang Washery itself and not outside place. Similarly it is also clear from this exhibit that briquettes were made in the premises of the company and not at any outside place. It is also clear that if the workmen were engaged at outside place from Swang Washery for removal of slurry and operation of briquettes then the management would not have any occasion to control their affairs of slurry removal and operation of briquettes and they had no right for demanding money after sale of the same. There is also nothing to show that slurry was not being lifted within the premises of Swang Washery and briquettes were being made on the land belonging to M/s. C.C. Ltd. on which this washery belonged and this plea is against the document filed by the management itself.

16. My attention has also been drawn to the authority as reported in 1995 AIR (S.C.) page 1893 where it has been held by their Lordships that in case of abolition of contract labour system workmen of ex-contractor can be absorbed as principal employer and the Tribunal can issue appropriate action in this respect. It has also been held by their Lordships that under the Contract Labour (Regulation and Abolition) Act, 1970 under Sec. 10(2) labour contract whether sham or genuine the Tribunal can determine this fact and it has also been held that the public sector undertakings were still employing contract labour system which is unfair labour practice and the same was deprecated as the only ostensible purpose in engaging contract labour instead of direct employing is mandatory advantage by reducing exploitation and it is clear cut unfair labour practice. It is further submitted that in view of above authority, and as reported in Ext. W-2 and Ext. W-3 it is clear that the slurry removal comes under prohibited category of job vide Notification of Central Government Ext. W-1 and the concerned workmen being the employees of ex-contractor engaged by the management their regularisation of service by the principal employer, i.e., management was just and genuine demand. It is also submitted that after issuance of this notification in the year 1990 and also that of 1988 issued under Sec. 10 of the Contract Labour (Regulation & Abolition) Act, 1970 loading of middlings on truck was also prohibited and slurry also being a type of coal, briquettes produced from slurry, its manufacturing, firing, quenching and loading into truck also comes under prohibited category for which no contractor could have been employed.

17. It is further submitted that in view of the above two notifications contract labour in other Coal Washery, viz., in Kathara Washery of M/s. C.C. Ltd. to which Swang Washery also belongs their services

have been regularised and only the management of the present Swang Washery is not regularising the services of the concerned workmen and to deprive the concerned workmen, a sham paper work has been made vide Ext. M-4 and M-5 to show that slurry was sold to two firms who are purchasers and not the contractors but actually they were contractors engaged by the management of the Washery and to deprive the workmen from the due wages and other benefits this paper transaction has been made and in reality they were workers of the contractor as usual and after notification Ext. W-1 and also notification in the year 1988 they are entitled to become employees of the principal employer, i.e. the management. I find much force in this plea taken by the sponsoring union.

18. It has also been contended that washery being part of mines as defined under Sec. 83 of the Mines Act, 1952 only the Central Government was competent to make the reference under the Industrial Disputes Act, 1947 to a Tribunal and State Government has no power at all to interfere with the work of the mine or washery and Ext. M-6 to M-6/4 are irrelevant and of no help to the management. In view of the authority of the Hon'ble Supreme Court as referred in Ext. W-2 I find much force in the plea taken by the workmen and only on the basis of this licence Ext. M-6 series it cannot be said that Swang Washery is a factory covered under the Factories Act and is not part of mines as covered under the Mines Act, 1952 and this proposition of the management is a satisfactory and it cannot be entertained at all. It is further pointed out that vide Ext. W-4 and Ext. W-4/1 the management has recognised the sponsoring union and they were invited for talk and it could not be said that this sponsoring union was not genuine and the workmen were not affiliated to this union. In the year 1981 and WW-1 was the Secretary of the workmen were affiliated to the sponsoring union in the year 1986 and WW-1 was the Secretary of the sponsoring union.

19. It is further pointed out that removal of slurry is permanent and perennial nature of work and it has come in the evidence of WW-2 that if slurry is not removed it would flow in the river nearby quarry and work of the washery would be affected by non-removal of slurry and for removal of slurry the concerned workmen were engaged as contract labour and in view of Notification of Central Government Ext. W-1 this become prohibited category of work and they are entitled to be employees of principal employer, i.e. management of Swang Washery. This plea taken by the workmen could not be repudiated satisfactorily by the management and I find that in view of Ext. W-1 and evidence on record work of slurry removal is a perennial and continuous nature of work and it cannot be said temporary work and for that no contract labour could be engaged as per provision under Contract Labour (Regulation & Abolition) Act, 1970 and also in view of Notification of the Central Government Ext. W-1. There is also much force in the plea taken by the workmen that as the workmen of other Coal Washery have been regularised in service by the management and one example that letter

marked 'x' for identification issued by the General Manager of M/s. C.C. Ltd., Kathara Colliery for regularisation of services of workmen and it is also said that in view of the award passed in Ref. No. 113/90 and also in Ref. No. 135/90 the services of the workmen of these references have been regularised in the same circumstance. Thus there is nothing substantial to show by the management that the concerned workmen being placed in similar circumstance should not be regularised by the management of Swang Washery and the plea for refusal of this reference taken by the management is not convincing at all and there is no merit at all in the plea taken by the management that in view of Ext. M-4 and M-5 slurry removal work was not given to the contractors rather it was given to purchasers could not be relied upon and this is simply a sham and superfluous paper transaction to give camouflage to the real fact that the concerned workmen were engaged by the intermediary contractor of the management.

20. Accordingly, I agree with the contention of the sponsoring union that the concerned workmen are entitled for regularisation of their service and as per above authority reported in AIR 1995 SC. 1893 given at page 1922 the management of M/s. C.C. Ltd. should discontinue the contract labour and absorb as many of the labourers as is feasible as their direct employees."

21. Both the points are decided accordingly in favour of the concerned workmen.

22. In the result, following is my award.—The action of the management of Swang Washery of M/s. C.C. Ltd. in denying the absorption of these workmen (as per annexure) who are working as contract labour is not justified. The management is directed to regularise the concerned workmen after 11-12-1990 on which date the Notification of the Central Government was issued, on the principle of equal pay for equal work in the category as available and admissible to the workmen as per provision under N.C.W.A. IV.

Under the circumstances of the case, there will be no order as to cost.

TARKESHWAR PRASAD, Presiding Officer

नई दिल्ली, 10 अक्टूबर, 1996

का.आ. 3103 औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस सी सी एल के प्रबंधन के संबद्ध नियोजकों और उनके —पैकारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में, औद्योगिक अधिकरण, हैदराबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 8-10-96 को प्राप्त हुआ था।

[सं. एन-22012/123/88-डी IV (बी)]

राजा लाल, डैस्क अधिकारी

New Delhi, the 10th October, 1996

S.O. 3103.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal Hyderabad as shown in the Annexure in the industrial dispute between the employers in relation to the management of S.C.C. Ltd., and their workmen, which was received by the Central Government on 8-10-96.

[No. L-22012/123/88 D.IV (B)]

RAJA LAL, Desk Officer

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL-I AT HYDERABAD

PRESENT :

Sri V. V. Raghavan, B.A., LL.B., Industrial Tribunal-I

Dated, 7th day of August, 1996

Industrial Dispute No. 1 of 1994

BETWEEN :

The Vice President, Central Council,
Tandur Coal Mines Labour Union,
PO Godavarikhasi, Dist. Karimnagar ... Petitioner.

AND

The General Manager, Area-II Ramagundam,
Division, Singareni Collieries Co. Ltd.,
P.O. Godavarikhani Dist. Karimnagar A.P. ... Respondent.

APPEARANCES :

Sri K. Vasudev Reddy, Advocate—for the Petitioner
Mls. K. Srinivasa Murthy, G. Sudha, Advocate—for
the Respondent.

AWARD

The Government of India, Ministry of Labour, New Delhi, made a reference to this Tribunal by its Order No. 1-22012/123/88-D.IV(3) dt. 7-12-1993 under Section 10(1)(d) & 2A of the Industrial Disputes Act, 1947 for adjudication of the Industrial Dispute mentioned in the schedule which reads as follows :

"Whether the action of the management of Mls. Singareni Collieries Co. Ltd., Area-II, Ramagundam Division, in denying promotion to Shri P. S. Chalapathi Rao Maistry, as Foreman 'A' Grade was legal and justified? If not, to what relief the concerned workman is entitled to?"

This reference has been registered as Industrial Dispute No. 1 of 1994 on the file of this Tribunal.

2. After receipt of the above reference, this Tribunal issued notice to both the parties and both parties have acknowledged the receipt of notice. Subsequently the Advocate for the petitioner filed vakalat and also the claim statement. The Advocate for the Respondent filed Vakalat as well as counter. The matter was posted for enquiry on 17-10-1994. After some adjournments W.W.1 was examined in chief and marked Exs. W1 to W8 on 3-3-1995. On 9-3-1995 the examination of W.W.1 was completed. On 24-3-1995 the Advocate for the Petitioner submitted that petitioner has no further evidence. Hence the Petitioner evidence was closed. On 10-5-1995 M.W.1 was examined and for respondents evidence it was posted to 25-5-1995, 15-6-1995 and finally on 3-7-1995 the counsel for the Respondent submitted that compromise has been effected and settlement deed has been drafted and wanted time to file it. The matter was adjourned from time to time from 17-9-1995,

till 7-8-1996, none of the parties have filed the settlement. Hence it is found that the parties not evincing any interest to prosecute the matter eventhough several adjournments were granted by this Tribunal to lead the evidence and prosecute the matter.

3. On a perusal of the docket sheet, it is found that both parties are not evincing any interest to prosecute the matter. Hence there is no option except to close the reference. Hence the industrial dispute is closed.

Given under my hand and the seal of this Tribunal, this the 7th day of August, 1996.

V. V. RAGHAVAN, Industrial Tribunal-I

Appendix of evidence

Witness examined for petitioner

Witness examined for respondent

W.W.1 P.S. Chalapathi Rao

M.W.1 U Rama Rao.

Documents marked for the Petitioner

Ex. W1 to W5 Letters addressed to W.W.1 describing him as Incharge of Clay Pill Shed.

Ex. W6 to W5 Office copy of the letter written by W.W.1 as Incharge of Clay Pill Shed.

Ex. W7 19-10-86 Proceedings regarding the sanction of leave and posting of M. Satyanarayana Murthy's posting in W.W.1's place.

Ex. W8 6-10-86 Proceedings regarding preparation of Clay Pill required by special skill and technical knowledge.

Ex. W9 to W12 Proceedings regarding the retirement of W.W.1.

Documents marked for the Respondent

NIL

नई दिल्ली, 11 अक्टूबर, 1996

का.प्र. 3104.- औद्योगिक विवाद अधिनियम, 1947 (1947का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सिरी बैंक के प्रबंधन के मांडू रिपोर्टों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नई दिल्ली के पंचवट को प्रकाशित करती है, जो केन्द्रीय सरकार को 9/10/96 को प्राप्त हुआ था।

[नं. एन-12011/16/93-आई आर बी आई]

पी०जे० माईकल, डेस्क अधिकारी

New Delhi, the 11th October, 1996

S.O. 3104.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, New Delhi as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Citi Bank and their workmen, which was received by the Central Government on 9-10-1996.

[No. L-12011/16/93-IR (B-I)]

P. J. MICHAEL, Desk Officer

ANNEXURE

BEFORE SHRI GANPATI SHARMA, PRESIDING OFFICER, CENTRAL GOVT. INDUSTRIAL TRIBUNAL, NEW DELHI

I.D. No. 36/93

केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 9/10/96 को प्राप्त हुआ था।

[सं एल-12012/87/94-आई आर बी आई]
पी० जे० माईकल, डैस्क अधिकारी

In the matter of dispute

New Delhi, the 11th October, 1996

BETWEEN :

Workmen through Maha Sachive,
F. N. Citi Bank Staff Association,
3, Sansad Marg, New Delhi-110001.

S.O. 3105.—In pursuance of Section II of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Grindlays Bank and their workman, which was received by the Central Government on 9-10-1996

Versus

[No. L-12011/87/94-IR (B-1)]
P. J. MICHAEL, Desk Officer

Assistant General Manager,
Citi Bank Jiwan Vihar Building,
5th Floor, 3 Sansad Marg,
New Delhi-110001.

ANNEXURE
BEFORE SHRI B. K. SRIVASTAVA PRESIDING OFFICER
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT DEOKI PALACE ROAD PANDU

NAGAR KANPUR

Industrial Dispute No. 95/1995

APPEARANCES :

Shri S. K. Maini—for the Workman.
Shri Dinesh Agnani—for the Management.

In the matter of dispute :

BETWEEN

J. R. Choudhry,
General Secretary,
Grindlays Bank Employees Union,
C/o B. P. Saxena 127/191,
426 W-II Basant Bihar Kanpur.

AND

Manager,
A.N.Z. Grindlays Bank,
Mall Road, Kanpur.

APPEARANCE :

Shri B. P. Saxena—for the Workman.
Shri Amreek Singh—for the Management.

AWARD

1. Central Government, Ministry of Labour, New Delhi, vide its Notification No. L-12012/87/94-I.R. (B-1) dated 19-7-95, has referred the following dispute for adjudication to this Tribunal :—

Whether the action of the management of Grindlays Bank, Kanpur is not paying salary for the period 16-6-1993 to 8-10-93 to Shri Shyam Bahadur Chowki-dar-cum-Peon is justified ? If not what relief the workman is entitled to ?

2. It is not necessary to give details of the case as on 20-9-96 authorised representative of the parties has filed an application for withdrawal of the case. Hence the reference answer against the concerned workman for want of prosecution and proof and concerned workman is not entitled for any relief.

Dated : 4-10-1996

B. K. SRIVASTAVA, Presiding Officer

GANPATI SHARMA, Presiding Officer

नई दिल्ली, 11 अक्टूबर, 1996

का.आ. 3105.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ग्रिन्डले बैंक के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में